

ALL QUIET ON THE ISIS FRONT?

British secret warfare in an
information age

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REMOTE CONTROL

Examining changes in military engagement

This report has been written by **Remote Control**, a project of the Network for Social Change hosted by Oxford Research Group. The project examines changes in military engagement, with a focus on remote control warfare. This form of intervention takes place behind the scenes or at a distance rather than on a traditional battlefield, often through drone strikes and air strikes from above, with Special Forces, intelligence agencies, private contractors, and military training teams on the ground.

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Introduction

In May 2016, the Secretary of State for Defence, Michael Fallon, appeared to put to bed rumours of a pending British troop deployment to Libya¹ with the statement that: *“we do not intend to deploy ground forces in any combat role. Before engaging in any military operation in Libya, we would of course have to seek an invitation from the Libyan Government, and would also have to involve this Parliament.”*²

Unfortunately, this came three months after claims had begun to surface in the British media that Special Forces were spearheading a “secret war” against ISIS in Libya, with British troops operating alongside their US and French counterparts on the ground.³ It was also two months after the leak of an official memo documenting a conversation between US lawmakers and King Abdullah of Jordan, which indicated that British Special Forces had been operating in Libya since at least the beginning of 2016.⁴

These media revelations generated parliamentary rumblings about secret wars,⁵ with the Chairman of the Commons Foreign Affairs Committee calling government responses to parliamentary requests for more information: “so narrow as to be wholly and deliberately misleading to the uninformed reader.”⁶ They also serve to illustrate the fact that today’s world of interconnectivity poses a distinct challenge to the idea of secret warfare, with governments fast losing the ability to guarantee blanket opacity, even for the special operators that are most prized for their subtlety.

While this is just one example, our research suggests that this is indicative of a rising trend in British defence and security policy – secretive yet growing military commitments in areas where the UK is not generally considered to be at war, but where the UK faces threats from groups like ISIS in Iraq, Syria and Libya, al-Shabaab in Somalia, or AQAP (al-Qaeda in the Arabian Peninsula) in Yemen. Instead of deploying regular British troops to the front lines, increasingly it is British Special Forces who can be found on the ground, with the UK’s

armed drone fleet, intelligence agencies, and military advisers and trainers also playing important roles. This is light-footprint remote warfare, which can take place on the front lines or with the UK in a supporting role. Consistently, however, there is only a low level of official public disclosure or parliamentary scrutiny, even in the face of information leaks and media speculation.

This deniability may bring flexibility, which creates opportunities when it comes to dealing with fluid and complex security threats. But our research suggests that this is not a simple relationship whereby more secrecy automatically brings greater strategic advantages. Indeed, in an age when leaks of information are seemingly inevitable, demand for political accountability is high,⁷ and trust in politicians and the wider expert community is low,⁸ today’s uneasy coexistence of official opacity and sporadic leaks of information to the media may be creating a host of unintended consequences.

The analysis in this report will argue that the prevailing tendency towards secrecy is creating an accountability gap that challenges the UK’s democratic controls over the use of force. In addition, it does not always appear to make strategic sense. In today’s information age, opacity both restricts the government’s ability to set its own narrative for British military action overseas, while potentially fuelling popular feelings of distrust in government war-making when information about the UK’s secretive involvement in these conflicts invariably surfaces. Our research shows that the UK is currently performing worse than many of its allies when it comes to publicly commenting on its actions, or opening up its policies to scrutiny. In doing so, the government is neglecting the strategic advantages that greater transparency can bring, in favour of narrowly looking at greater access to information as a security concern.

There is of course a balance that needs to be struck between the need for secrecy to provide security and the need to open up the choices of government to the scrutiny and debate that is so pivotal for a healthy democracy. However, those who decide that balance need to take into account the fact that, in today’s information age, building policies on the assumption of complete

secrecy is increasingly untenable – and government control over the timelines for increased access to information about the UK’s secretive military engagements is slipping.

This creates a need for change, whether it is the lack of oversight or the lack of control that alarms you the most. Warfare is changing, and the way that people access information about warfare is changing. Government policy needs to keep pace.

A golden age of remote warfare?

“Western nations engage in counterinsurgency for limited stakes, which leads to inevitable tensions between what the military thinks is required on the ground, in terms of methods or resources, and what the population is ready to accept back home.”

- Etienne de Durand, analyst at the French Institute of International Relations⁹

On 21st of September 2001, then-President of the United States, George W. Bush, stood in front of a joint session of Congress and declared that America would “direct every resource at our command – every means of diplomacy, every tool of intelligence, every instrument of law enforcement, every financial influence, and every necessary weapon of war – to the disruption and to the defeat of the global terror network.”¹⁰

Declaring that “Americans should not expect one battle, but a lengthy campaign, unlike any other we have ever seen”, Bush ushered in an era of war in Iraq and Afghanistan,¹¹ which then broadened into the pursuit of “al Qaeda and its affiliates”¹² in Yemen, Somalia, Libya, and now in Syria and Iraq against ISIS.¹³

In evidence given to a 2016 Joint Committee on Human Rights (JCHR) investigation, UK government testimony confirmed that Britain is “not in a generalised state of conflict with ISIL, except in Iraq and Syria.”¹⁴ Nevertheless, mapping reports of UK military



ISIS Fighter (image credit: Voice of America/ Wikimedia Commons)

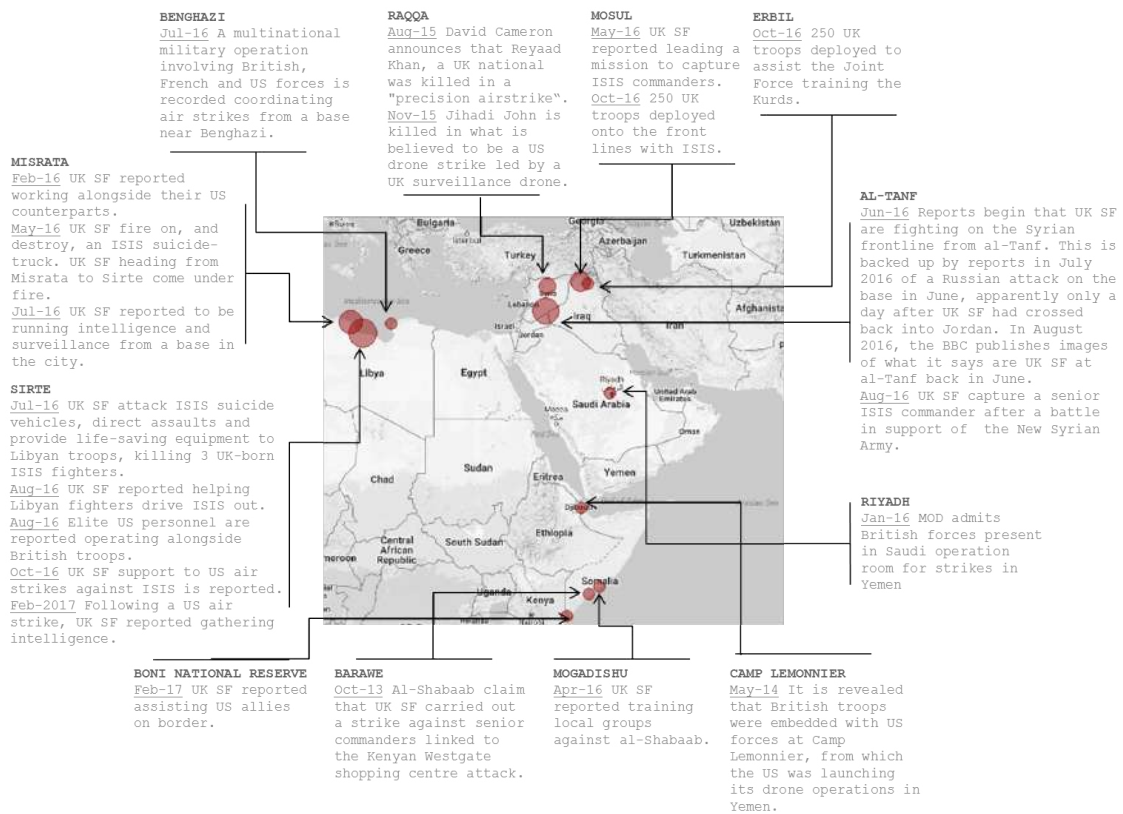
action over the last three years generates a list of countries and activities with striking similarities to those that the US has justified under its own war on terror.¹⁵

Far from limiting military engagement to its authorised air war against ISIS in Iraq and Syria, the UK government appears to have also signed off on military activities in places like Libya, Somalia, and Yemen, and has been able to sidestep the lack of authorisation for boots on the ground in Syria and Iraq by using Special Forces. Evidence suggests that there are far greater British military commitments across the world than have been openly discussed.

This war is mostly carried out covertly. With the exception of the UK drone strike against Reyaad Khan,¹⁶ the UK-assisted drone strike against Mohammed Emwazi (aka Jihadi John),¹⁷ the presence of UK forces in the operation room for Saudi air strikes

against Yemen,¹⁸ and the presence of UK troops embedded in the US military at Camp Lemonnier,¹⁹ none of the events on the map below have been officially acknowledged or independently verified. In the cases where the UK government *has* responded to these reports on UK Special Forces (often referred to in this report as SF) activity, it is only to reinstate that “the MOD’s long-held policy is not to comment on Special Forces.”²⁰

Politics appears to be a key driver of the development and use of remote warfare by the British government. The controversy surrounding the 2003 invasion of Iraq cast a “long shadow” over British foreign policy, as well as parliamentary and public trust in the deployment of British troops.²¹ Over a decade of engagement in Afghanistan has also created a certain war-weariness among the British public, and a high level of risk-aversion in Parliament. The legacy of both campaigns loomed large in August 2013,



when the government was defeated in the House of Commons on a vote proposing military action in Syria.²²

It is clear that there is currently a dilemma for governments wanting to confront credible threats to UK security against the backdrop of low popular support for the commitment of British troops. As the UK's Attorney General recently noted, the increasing terrorist threat means the "frontline has irretrievably altered."²³ Social media allows groups across the world to plan, enable and inspire groups in other countries to carry out attacks, while individuals are connected through networks that disregard state boundaries.

In 2013, a Ministry of Defence (MOD) study discussing how to maintain operations despite a "risk averse" public was leaked. The document suggested, among other things "investing in greater numbers of SF."²⁴ This advice appears to have been followed. In the 2015 National Security Strategy and Strategic Defence and Security Review (SDSR) the government pledged to double investment in Special Forces and to double the UK's armed drone fleet.²⁵

In the 2010 SDSR, the UK government committed to "focus on areas of comparative national advantage valued by key allies, especially the US, such as our intelligence capabilities and highly capable elite forces."²⁶ This was echoed in the 2015 SDSR which stated: "our special relationship with the US remains essential to our national security. It is founded on shared values, and our exceptionally close defence, diplomatic, security and intelligence cooperation."²⁷ Secretive remote warfare in support of British allies appears to be set as a rising trend for many years to come.

However, opting for greater secrecy in response to greater risk aversion is not without its drawbacks. The argument that this may be tempting the government into sending the wrong sort of force to escape scrutiny is part of a broader debate about the effectiveness of remote warfare that is too large for this report. Nonetheless, the risk that this strategy may backfire when information is leaked or interviewees choose to talk candidly to journalists about UK support on the ground is real, and deserves further discussion.

Secret war in an information age

"We must expect intense scrutiny of our operations by a more transparent society, informed by the speed and range of modern global communications. Our enemies will continue to attack our physical and electronic lines of communication. And the growth of communications technology will increase our enemies' ability to influence, not only all those on the battlefield, but also our own society directly. We must therefore win the battle for information, as well as the battle on the ground."

- Securing Britain in an Age of Uncertainty, the Strategic Defence and Security Review 2010²⁸

The assumption that removing war from public and parliamentary debate allows governments to counter threats regardless of public opinion is prefaced on the increasingly outdated premise that governments can control access to information about UK military action abroad. However, in a world dominated by smart phones, social media, and burgeoning access to the internet, the current policy of limited transparency may end up exacerbating the low levels of public trust in military interventions that secretive warfare is assumed to avoid.

One of the major warnings to come out of the Iraq Inquiry (also known as the Chilcot report) into Britain's involvement in the 2003 war in Iraq was that the government's misrepresentation of the facts had done long-term damage to public trust in politics.²⁹ When information surfaces in the media that appears to contradict government statements about where it does and does not have a military presence, it could serve to undermine public and parliamentary trust further.

Indeed, *The Times*, *The Daily Mail*, *The Daily Telegraph*, *The Daily Mirror*, *The Daily Express*, *The Sun*, *The Guardian*, *The Observer*, *The Daily Star Sunday*, and *The Sunday Mirror* each ran stories on UK plans to deploy troops to help stabilise Libya³⁰ long before the eventual proposal to send 1000 troops on a potential training mission was announced (and then subsequently dropped) in April 2016.³¹

In July 2015, the MOD confirmed that “a small number of embedded UK pilots have carried out airstrikes in Syria against ISIL targets”³² while operating under US command, even though Parliament had refused to authorise British military action in the country. As Ross Hawkins, BBC correspondent, noted: “Why weren’t we told? ... That’s the question troubling many MPs, not all of them on opposition benches.”³³

In a climate when the government already feels like military options abroad are being constrained by risk aversion, the proposition that minimising the disclosure of these operations may serve to exacerbate those constraints deserves careful consideration. One major scandal could result in huge restrictions being placed on the UK’s engagement abroad, as could a steady drip of media information that raises suspicions and fuels accusations of government deception.

It would be better to address government policy before any such crisis point is reached. The information age works both ways – connecting people to a wider range of ideas and sources of information, while also creating a more powerful platform for people to communicate with each other. Shaping and projecting narratives have always been important for parties to conflict, but the growing interconnectedness that the information age brings has catapulted the importance of this soft power and information shaping to prominence in military and political debates.

The 2010 SDSR made this point very clear, speaking of the need to “win the battle for information, as well as the battle on the ground” and acknowledging that “a more transparent society” aided by “the speed and range of modern global communications” would submit British operations to intense scrutiny.³⁴



Protestors outside Westminster on the day of the parliamentary vote authorising strikes in Syria (image credit: Alisdare Hickson/ Flickr Creative Commons)

Refusing to comment on UK military actions even once a significant amount of information is available in the public domain means that the government ends up handing over the narrative of UK military engagement to others. This puts direct constraints on the government's ability to put across its own counter-narratives in the face of uncontrolled leaks and media speculation. Forfeiting the ability to discuss, justify, or disprove accounts that appear in the public domain is a significant handicap, and may also serve to erode the legitimacy or credibility of UK military action abroad.

Again, there is a balance that needs to be struck between the need for secrecy to provide security and the need to open up the choices of government to scrutiny and debate. However, existing policies do not appear to take into account the fact that, in today's information age, building policies on the assumption of complete secrecy is increasingly untenable – and the government is not necessarily in control of the timelines for increased access to information about the UK's secretive military engagements.

The accountability gap

Aside from the fact that secret warfare is becoming increasingly unsustainable with such high levels of access to information across the world, developing oversight mechanisms so that they keep pace with changes in warfare is also, arguably, a fundamental part of maintaining the health of British democracy.

In the US, there is talk of “a longstanding trend: a growing disconnect between American society and the armed forces that claim to represent it,”³⁵ which has grown worse throughout the war on terror. In an interview with Dan Sullivan, a Republican on the Senate's Armed Services Committee, he said that “the lesson that we've learned now in this country is that you have to level with the American people about what you're doing, what the government's doing, what our military forces are doing... Because that's just the right thing to do, and that's the best way to get American support.”³⁶

Since military action was first subject to parliamentary vote in 2003,³⁷ successive governments have supported the move away from what they called an “outdated” model of intervention where the decision to go to war sits with the Prime Minister and the Cabinet alone, arguing that a move towards greater transparency and accountability was pivotal for a 21st century democracy.³⁸

Over the last few years, a convention of seeking Parliamentary approval before the deployment of troops abroad has developed – also known as the War Powers Convention. This was arguably present from as early as 2011, when Parliament approved UK military action in Libya.³⁹ However, the August 2013 vote when the government failed to get parliamentary support for intervening in Syria (and then respected Parliament's decision) is generally considered to be the moment that the convention was confirmed.⁴⁰ This gained further credence when the government sought approval in September 2014 for its operations in Iraq against ISIS.⁴¹

The opacity of remote warfare stands against this convention and the wider commitment to subject UK military actions abroad to parliamentary oversight. While deploying troops would usually trigger a parliamentary vote,⁴² this commitment does not capture the many elements of remote warfare, which are often considered ‘non-combat’, supporting, or assisting roles.⁴³

However, the lethal strike against UK citizen Reyaad Khan shows that what starts out as a non-combat intelligence mission can quickly lead to a lethal strike when you've got capabilities like armed drones that can do both. On top of this is the fact that Special Forces have a blanket exemption from parliamentary oversight or public disclosure, whether they are advising, assisting, or fighting on the front lines. Remote warfare stands as testament to how far modern warfighting methods have outpaced the evolution of mechanisms to monitor and scrutinise them.

External scrutiny is a necessary partner of internal oversight, particularly to prevent the sorts of group-think and political dominance criticised in the Chilcot report.⁴⁴ Civil liberties lawyer Ben Jaffey reported that, in his

experience, when one judge is in charge of saying “yes” or “no” to an operation but is dependent on the government for their access to information, which often lacks a satisfactory challenging argument, they may be unable to fully consider their judgements.⁴⁵

UK policy is not currently keeping pace with changes in the way that wars are being waged. This has created an accountability gap that allows remote warfare to take place largely unscrutinised and with only limited public disclosure. This report covers three areas of UK engagement abroad in which this transparency and accountability gap are particularly clear and problematic:

1. Where the UK is using armed drones to conduct intelligence, surveillance, and reconnaissance missions over areas where it is not considered party to a conflict, these deployments are not disclosed or voted on in Parliament. This is in line with the treatment of other ‘non-combat’ missions, which do not fall under the War Powers Convention. However, there is now also a precedent for the UK to use these armed drones to carry out targeted strikes, such as the one that killed Reyaad Khan in Syria, when parliamentary authorisation had not been given for British military engagement in the country.⁴⁶ This raises questions about the policy governing these decisions, as well as whether the existing War Powers Convention is strong enough to cover the increasing fluidity between non-combat and combat missions.
2. Where the UK carries out operations with Special Forces rather than with regular troops, parliamentary authorisation or notification is not required. This allows them to operate in combat roles in countries where Parliament has not voted on military action,⁴⁷ as well as in places where the relevant authorisations specifically preclude the deployment of UK troops in ground combat operations.⁴⁸ In addition, scrutiny is severely restricted by the MOD’s long-held policy not to comment on Special Forces⁴⁹ and the weakness of the Defence Advisory Notice System,^a which allows them to deflect any evidence that surfaces in the media about their use.
3. Where the UK provides capabilities to allies rather than taking an active lead in operations, it does not necessarily need to report them to Parliament. For example, in 2015 it was revealed that a small number of UK pilots embedded with the US military had carried out airstrikes in Syria against ISIS targets before parliamentary authorisation was given.⁵⁰ This allows the government to have troops involved in combat without having to declare a UK role in offensive missions, and without having to bring their engagement to a vote in Parliament.

^a The Defence Advisory Notice System is the non-legally-binding system that the UK government uses to advise the media about whether publishing material they receive about SF might be harmful to national security. In addition to Special Forces, the system covers information on military operations, nuclear and non-nuclear weapons and equipment, ciphers and secure communications, sensitive installations and home addresses, and UK Security and Intelligence Services. (<http://www.dnotice.org.uk/danotices/index.htm>)

Case 1: the use of armed drones

Introduction

One of the highest-profile ways in which the use of force is changing at the moment is the use of drones for targeted killing. In areas where the UK currently considers itself party to a conflict, such as Iraq and (after parliamentary approval in December 2015) Syria, the UK government is relatively transparent about its use of drones, and

appears to treat them on the same basis as other manned aircraft. Indeed, in a letter dated 6th October 2016, the government confirmed that the deployment of drones would be covered by the War Powers Convention.⁵¹

However, the UK's strike against Reyaad Khan, a UK citizen fighting for ISIS who was killed in Syria before parliamentary approval for UK operations was secured, shows that there are differences in approach between the use of drones and the use of manned aircraft when it comes to targeted killing (see box below).

What is Targeted Killing?

Targeted killing has become a key component in the fight against terrorism. The term was defined by Philip Alston, the Special Rapporteur on extrajudicial, summary or arbitrary executions, as: "the intentional, premeditated and deliberate use of lethal force, by States or their agents acting under colour of law, or by an organized armed group in armed conflict, against a specific individual who is not in the physical custody of the perpetrator."⁵²

Beyond this definition, "targeted killing" is hard to define. Alston argues that the main difference between targeted killing and "extrajudicial execution", "summary execution", and "assassination" is that while "in most circumstances targeted killings violate the right to life, in the exceptional circumstance of armed conflict, they may be legal" – unlike these other terms which "are, by definition, illegal."⁵³



The national security team monitoring the progress of Operation Neptune Spear, the Special Forces mission against Osama bin Laden (image credit: Pete Souza, Wikimedia Commons)

Navy SEAL raid in May 2011 against Osama bin Laden and the drone strike against the American-born Yemeni cleric, Anwar al-Awlaki, are probably two of the most well-known examples of this policy in practice.⁵⁸

It also appears that the UK is using these techniques. In 2013, it was reported that "British Special Forces have been in the forefront of targeted killing campaigns in Afghanistan and Iraq, and British 'drones' are now deployed in Afghanistan to the same end."⁵⁹ There are also reports of UK forces taking part in targeted killing outside of areas it considers itself party to a conflict, such as Syria before parliamentary authorisation.⁶⁰ Little is known about the UK's role in these operations or if this dominant counter-terrorism tactic is working.

The term does not appear in international law and was popularised by Israel who made a public policy of "targeted killings" of alleged terrorists in Occupied Palestinian Territory after the Second Intifada in September 2000.⁵⁴ This policy was publicly criticised by many countries, including the US. When discussing targeted killing as a part of Israel's counterterrorist strategy in July 2001, the US Ambassador to Israel warned "The United States government is very clearly on record as against targeted assassinations. ... They are extrajudicial killings."⁵⁵

However, now the US is one of the biggest conductors of "targeted killing."⁵⁶ Since the 9/11 attacks and the beginning of the war on terror, the US has targeted al-Qaeda and its affiliates through the use of Special Forces in kill or capture missions and the use of drones in lethal strikes against such individuals.⁵⁷ The

The difference lies in the dual-use of armed drones for ‘combat’ and ‘non-combat’ operations – which can change from one to the other very quickly, and without prior parliamentary approval. Drones provide the UK government with the ability to conduct intelligence, surveillance, and reconnaissance missions for prolonged periods over suspected targets in areas where it is not considered party to a conflict. As with other “non-combat” deployments, these missions do not fall under the War Powers Convention or require recourse to Parliament.

However, the strike against Khan showed that a precedent has now been set for the UK to use these armed drones to carry out targeted strikes in these same areas, even without a prior vote in Parliament. This raises important questions about how well the UK’s systems of oversight are able to keep up with the fluid and rapidly changing nature of drone operations in areas the UK does not consider itself a party to a conflict.

Faltering government transparency

On 21st August 2015, Khan was killed by a Hellfire missile fired from a UK Reaper drone,⁶¹ possibly with targeting assistance from UK Special Forces.⁶² The strike also killed Ruhul Amin, another UK national, and Abu Ayman al-Belgiki, a Belgian national.⁶³ Khan had been threatening to attack UK targets;⁶⁴ however, the strike was particularly controversial because it occurred months before parliamentary approval for the use of military force in Syria, which was not given until December 2015.

In September 2014 the House of Commons had approved the use of force in Iraq but explicitly stated:

“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.”⁶⁵

A month later, the MOD announced it would send drones for surveillance missions over Syria but said that, as these were not in an offensive capacity, they did not require parliamentary approval.⁶⁶ The MOD said “no

UK Reaper missions have been conducted in Syria other than for surveillance purposes. No authority has been granted for the discharge of weapons from UK Reaper aircraft operating in Syrian airspace.”⁶⁷

During the debate on the use of force in Iraq on 26th September the previous year, the then-Prime Minister, David Cameron, reserved the right to strike within Syrian national territory “if there were a critical British national interest at stake or there were a need to act to prevent a humanitarian catastrophe.” In those circumstances, he said he would “act immediately and explain to the House of Commons afterwards. I am being very frank about this because I do not want to mislead anybody.”⁶⁸

As promised, Cameron announced to the House of Commons at the earliest opportunity that the UK had undertaken a lethal strike in Syria against Khan during Parliament’s summer recess. Cameron said that the strike represented a “new departure” for UK policy and the first time “a British asset has been used to conduct a strike in a country where we are not involved in a war.”⁶⁹ This was welcome transparency, and showed a willingness to voluntarily disclose information about a policy that many commentators would go on to call “extremely alarming.”⁷⁰

However, after the initial announcement, very little additional information was given about the strike. In response, the JCHR launched an inquiry on the UK’s policy on targeted killing, but the Prime Minister and Attorney General, Jeremy Wright Q.C., refused to give evidence. Instead, a somewhat vague memorandum,⁷¹ and evidence from the Defence Secretary, Michael Fallon, had to suffice. Fallon refused to answer a number of questions, including fundamental things such as the types of people targeted by the UK, the similarities and differences of the UK and US policy and the people involved in the decision to kill Khan, stating: “I am not able to discuss intelligence matters.”⁷²

In October 2016, the government responded to the JCHR’s inquiry, but refused to answer many of the committee’s questions. For example, it would not disclose “the grounds on which the government considers the



An RAF Reaper drone (Defence Images/ Flickr Creative Commons)

Law of War to apply to a use of lethal force outside armed conflict” because it claimed “this is a hypothetical question.”⁷³

Since then, the government has opened up the Khan strike to scrutiny by the Intelligence and Security Committee (ISC), but there are reports that it has not been given enough information to do a proper investigation.⁷⁴

When questioned by the Liaison Committee, Cameron admitted that, although the ISC has been allowed to examine the intelligence that prompted the strike, “ministers would retain the right to withhold some intelligence.” Andrew Tyrie MP, chair of the Liaison Committee, stated:

“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.”⁷⁵

Harriet Harman MP argued that it was “unacceptable” that the Prime Minister had given the “impression ...that he is allowing the ISC to scrutinise the targeted killing of Reyaad Khan” when in fact “he is clearly frustrating the scrutiny work of the ISC who he appointed and who are all security-cleared.”⁷⁶

At the time of print, it appears that ISC has still not been provided with enough information to make these judgements. In February 2017, it was reported by *The Times* that the ISC had claimed it was “dissatisfied” with the information it had been provided on the attack in its report to 10 Downing Street. The ISC felt it was not provided enough information to make a judgement, especially on how well the government had assessed the potential for “collateral damage” or how “imminent” the threat posed by Khan was.⁷⁷

A big turnaround for government transparency occurred on 11th January 2017, when UK Attorney General Wright made a speech at the International Institute for Strategic Studies (IISS) outlining when the

UK believes “it is lawful to use force in self-defence.”⁷⁸ Previously, the government had refused to disclose the Attorney General’s legal advice completely.⁷⁹

Nevertheless, a lot remains unknown. For example, Wright maintained that he would not comment on specific cases. This is highly problematic, as it leaves outsiders with only a hypothetical understanding of how the law is being applied, rather than evidence provided from cases. A number of experts commented that greater information about the evidence that informed lethal strikes would reassure the public and provide the means for more effective accountability.⁸⁰

The government has also maintained high levels of secrecy over UK drone operations outside declared warzones. Before parliamentary approval of strikes against ISIS in Syria, Tom Watson MP asked “how many of the remaining UK Reapers in Afghanistan will be redeployed to support the coalition mission against the Islamic State of Iraq and ISIL.”⁸¹ The government refused to answer citing reasons of security – however, it was willing to give similar details for its operations in Iraq.⁸²

In February 2016, Catherine West MP asked “how many operations UK Reaper drones have undertaken in Libyan airspace this year”; to which the government replied that it “has a long-standing policy not to comment on intelligence matters.”⁸³ In September 2016, Richard Burden MP asked “whether the UK is currently using armed Reaper drones outside of Iraq and Syria.” Mike Penning MP, Minister of Defence, replied saying: “I am unable to provide further information on the deployment of Reaper as its disclosure would, or would be likely to, prejudice the capability, effectiveness or security of the Armed Forces.”⁸⁴ As Jennifer Gibson, Staff Attorney at legal charity Reprieve, notes, the UK government “has never admitted to where it is taking strikes. Nor has it acknowledged how many strikes it has taken.”⁸⁵

Confusion over government policies

The UK government would benefit from adopting better transparency measures, as there is significant confusion at the moment

over what their policy surrounding targeted killing is. This gives rise to speculation about whether or not the government has properly understood their responsibilities under International Humanitarian Law (IHL) and International Human Rights Law (IHRL), with potentially damaging consequences for its international legitimacy.

In his announcement of the Khan strike, Cameron claimed to be “exercising the UK’s inherent right to self-defence”, adding that there “was clear evidence of the individuals in question planning and directing armed attacks against the UK.”⁸⁶ However, this announcement differed from the UK’s statement to the UN, where the UK Permanent Representative also invoked the defence of Iraq – stating that the strike was done in the “exercise of the inherent right of individual and collective self-defence” and adding “ISIL is engaged in an ongoing armed attack against Iraq, and therefore action against ISIL in Syria is lawful in the collective self-defence of Iraq.”⁸⁷ The government’s memorandum to the JCHR also invoked both justifications, stating: “This was therefore a lawful use of force in the individual self-defence of the United Kingdom and the collective self-defence of Iraq.”⁸⁸

While these two justifications are not necessarily irreconcilable – and it is possible that “an armed attack may be directed against a State and its allies simultaneously”⁸⁹ – they draw attention to potential confusion in the UK’s policy. Former Director of the Government Communications Headquarters (GCHQ), Sir David Omand, agreed with the UK government position but said he “had to read the Prime Minister’s statement several times” to try to square Cameron’s comments to the House and the justification given to the UN.⁹⁰

The distinction matters because if the UK was acting in collective defence of Iraq and itself as part of its war with ISIS then the strike would be considered part of a non-international armed conflict between a state and non-state group. This would mean that IHL would apply, which allows the use of lethal force against “combatants” or, civilians performing “a continuous combatant function” by playing a sustained role in hostilities, as part of the normal laws of war.⁹¹

However, if the strike was taken in self-defence – outside of Iraq where it was a party to the conflict – it would not be part of an armed conflict and IHRL would be the primary body of law governing UK action.⁹² These laws are codified in treaties such as the European Convention on Human Rights and the International Covenant on Civil and Political Rights. Central to IHRL is the right to protect against the “arbitrary” deprivation of life and the State’s duty to protect this basic right.⁹³

A month after Cameron’s announced the strike, a letter from the Government Legal Department asserted that the strike in Syria was part of an armed conflict:

“An armed conflict is taking place in Iraq, and crossing over into Syria, at present. The United Kingdom is not currently participating in coalition air strikes within Syria (but is doing so in Iraq). The military action taken in Syria by the RAF on 21 August 2015 was aimed at a specific ISIL target that presented a clear, credible and specific threat of armed attack on the United Kingdom in the context of an active armed conflict in which the three ISIL fighters killed in the attack were participants. The fact that the United Kingdom had not up to that point conducted any air strikes on Syrian territory provides no basis for the assertion that this action took place outside the context of an armed conflict. The Raqqa strike was a military operation which was consistent with international humanitarian law.”⁹⁴

However, in the aftermath of the strike, both Cameron and Fallon argued that the strike “was the first time that we had acted in an area in which we were not previously involved in an armed conflict.”⁹⁵ Cameron also said the strike was not part of coalition military action against ISIL in Syria but a target strike “to deal with a clear, credible and specific terrorist threat to our country at home.”⁹⁶

The MOD said in response to a Freedom of Information (FOI) request from Drone Wars UK that the strike was not part of Operation SHADER (the codename for the UK’s mission against ISIS in Iraq – and now in Iraq and Syria). It stated, after listing the UK’s strikes in Iraq and Syria since parliamentary approval for the use of military force in Syria that “[t]his does not include the

one Reaper strike in Syria mentioned above [the Reyaad Khan strike]. This is the only weapon release to have occurred in Syria and was not part of Operation SHADER.”⁹⁷

In the Attorney General’s speech at IISS he noted that he had given legal advice “in relation to a strike against Reyaad Khan, the British national who was a member of Daesh, and who was killed by UK forces because of the threat that he posed to the UK.”⁹⁸

It is difficult to see, then, how IHL could have applied, and in fact many experts who submitted evidence to the JCHR said it did not.⁹⁹ For example, Alex Batesmith, Barrister and Lecturer in Law at the University of Liverpool, stated “in the particular circumstances of this case it would be very difficult for the UK Government to sustain an argument that the 21 August strike was undertaken in the context of an armed conflict.”¹⁰⁰ Caroline Lucas MP also argues: “It is now said that the strike took place in the context of an armed conflict – but it is unclear what armed conflict is relied upon.”¹⁰¹

The lack of a public, coherent policy on targeted killing may be problematic if the government undertakes more strikes outside declared areas of conflict. When asked if he would repeat the strike, Cameron replied: “if it is necessary to safeguard the United Kingdom and to act in self-defence, and there are no other ways of doing that, then yes.”¹⁰² On 8th September 2015, Fallon was clear he “wouldn’t hesitate to do it again” if he knew an armed attack was “likely”.¹⁰³ He repeated this in his evidence to the JCHR:

“There are other terrorists involved in other plots that may come to fruition over the next few weeks and months and we wouldn’t hesitate to take similar action again. [...] our job to keep us safe, with the security agencies, is to find out who they are, to track them down and, if there is no other way of preventing these attacks, then yes we will authorise strikes like we did.”¹⁰⁴

As a Parliamentary Briefing paper noted the implications are these are profound, given “large numbers of people are allegedly planning attacks against the UK.”¹⁰⁵ What is more, this lack of clarity is not the case in the two other states most usually associated with targeted killing – the US and Israel (see boxes on following pages).

The US transparency framework

At the end of 2016, the Obama administration released the “Report on the Legal and Policy Frameworks Guiding the United States’ use of Military Force and Related National Security Operations.”¹⁰⁶ This 60-page Framework Report, among other things, brought together “explanations the Obama Administration has provided” on its use of force “in more than 40 earlier speeches, releases, briefs, memoranda, etc., published [from] the President’s third day in office.”¹⁰⁷

These explanations have provided the public with a much better understanding of, for example, who is targeted, the process by which they are targeted, the internal and external oversight of the strike or capture mission and the legal understandings they are based on.

For example, the US Government has outlined the specific groups it targets outside areas of active hostilities: al-Qaeda (including individuals who are part of al-Qaeda in Libya and al-Qaeda in Syria); the Taliban; “certain other terrorist or insurgent groups affiliated with [al-Qaeda] or the Taliban in Afghanistan”; al-Qaeda in the Arabian Peninsula (AQAP); ISIS; and, now, al-Shabaab. It also outlines that a High Value Target is an individual posing a “continuing, imminent threat to US persons.”¹⁰⁸

In addition, the US government has explained the process by which these individuals are targeted and then the way these decisions are overseen. For example, the Presidential Policy Guidance confirms that “operating agencies”, such as the CIA and Defense Department, can formally nominate an individual to be targeted.¹⁰⁹ They must then submit plans to the National Security Staff (NSS) and lawyers across different security agencies.



Obama at the National Defense University, Washington DC, outlining the US policy of targeted killing (image credit: National Defense University/ Wikimedia Commons)

The Deputies Committee then debates the information and weighs up the feasibility and necessity of lethal force. A unanimous agreement will decide whether a strike is undertaken, and in the absence of one the President decides. Within 48 hours of the strike the operating agency must provide information, including a description of the operation and an assessment of whether it achieved its objectives, to the NSS and “appropriate Members of Congress” must also be notified.

The criteria that must be met before a strike takes place include:

- *The United States will use lethal force against only a terrorist target that poses “a continuing, imminent threat to U.S. persons,” underscoring that it is simply not the case that all terrorists overseas pose such a threat;*
- *Before lethal action may be taken, the United States must have “near certainty” that the terrorist target is present and that non-combatants will not be injured or killed;*
- *There must be an assessment that the capture of the target is not feasible at the time of the operation and that no other reasonable alternatives exist to address the threat to U.S. persons effectively; and*
- *Lethal action requires an assessment that relevant governmental authorities in the country where the action is contemplated either cannot or will not effectively address the threat to U.S. persons.*¹¹⁰

As Obama notes in the Framework Report, the US has not provided an “exhaustive discussion of how the United States wages war” and does not release some information “consistent with national security.” However, as a result of these explanations we know far more about the US policy than, arguably, any other country in the world.¹¹¹

Israeli policy on targeted killing

Israel was the first country to officially announce a public policy of targeted killing in 2000, which was greeted with widespread criticism. Nevertheless, Israel has been relatively open about its targeting policies and has formalised oversight mechanisms.

In February 2002 Menachem Finkelstein, the judge advocate general of the Israeli Defense Forces (IDF), issued three conditions under which targeted killing can take place. Before suspected terrorists are killed:

- *The Palestinian Authority must first ignore appeals for their arrest*
- *The Israelis must conclude that they would be unable to arrest the individuals themselves*
- *And the killing must be done to prevent an imminent or future terrorist attack—not for revenge or retribution.*¹¹²

The Israeli High Court supported these conditions in a strongly worded statement on 29th January 2002, rejecting petitions calling for an end to targeted killing. Provided these conditions are followed, targeted killing is judged to be consistent with Israeli law.¹¹³

Israel also hands a list of arrest warrants for militants to the Palestinian Authority before proceeding.¹¹⁴ Many militants handed themselves in to the Palestinian Authority when informed that the choice was arrest, being killed or going on the run.¹¹⁵

In 2005, the Israeli Supreme Court verdict on the legality of targeted killings found the tactic to be legal, but insisted on regulating the processes surrounding it.¹¹⁶ The court insisted that targeted killing must be a highly selective operation and that the selection of the target must be transparent, the justice of the killing immediately apparent and that a full and open investigation should be carried out immediately after the operation to ensure it was conducted appropriately.

These criteria appear to have been largely followed. Professor Shlomo Shpiro, a specialist in the study of intelligence services in Israel and Europe, argues that “decisions over targeted killing” are:

*“...not taken only within the secret corridors of intelligence. They also involve legal advice, court supervision and parliamentary oversight. While not a fool proof guarantee against mistakes, these external mechanisms do exert a strong influence within the services, ensuring that in most cases illegal activities breaching civil liberties will not be proposed in the first place.”*¹¹⁷

Nathalie Van Raemdonck, Project Manager at the Centre for Cyber Security Belgium, also states: “Israeli targeted killing operations are far more exposed to public scrutiny and democratic approval than the US ones, as each case is individually authorised by public servants and even requires a preliminary attempt to capture the targeted individual.”¹¹⁸

Conclusions

In its report, the JCHR concluded that “although the Government says that it does not have a “targeted killing” policy, it is clear that it does have a policy to use lethal force abroad outside armed conflict for counter-terrorism purposes.”¹¹⁹

There is a stigma attached to targeted killing – especially given its controversial use by US during the war on terror. It is therefore unsurprising that no politician would like to put their name to such a public “targeted killing” policy. Add this to the fact that the legality of such actions has been questioned by a number of human rights groups and international actors and the government’s reticence to release more information is understandable.

However, the UK government does target individuals abroad and in doing so it opens itself up to a number of accusations and legal challenges that may damage the legitimacy of UK military action. Greater transparency can be used as a tool to ensure that strikes are, and are seen to be, legitimate.

Moreover, international examples show that greater transparency is possible, and does not automatically restrict the ability of governments to act. While the Israeli and US policies of targeted killing have received a lot of criticism they are at least far more open about their strikes, including why and how they are undertaking them.

Case 2: the use of Special Forces

Introduction

This chapter analyses the contemporary use of UK Special Forces (SF), comparing the blanket opacity that surrounds them to the systems operated by the UK's closest allies, and exploring some of the consequences of current weaknesses in the UK's policies. This is a particularly crucial question as their share of combat operations is set to grow,¹²⁰ with investment climbing,¹²¹ and no immediate end in sight to the complex threats that face UK security.

The British government has long cultivated the cloak of secrecy surrounding its SF units like the Special Air Service (better known by its acronym, the SAS). Originally formed during but disbanded after the Second World War, it was not long before the government once again came to recognise the utility of small, secretive, and highly adaptable units. In 1947, against the backdrop of spiralling violence in Palestine, records state that it became clear to the government that "some type of special force was necessary, but to be useful, it had also to be 'expendable'... This would enable the government and the commander to plead 'plausible deniability'."¹²² That same year, a reserve SAS unit (the 21st) was created. By 1959, the SAS had added a permanent unit (the 22nd) and another reserve unit (the 23rd) to its ranks.¹²³

Opacity has helped a myth of invincibility to grow around the SAS which, while useful for generating fear and respect, may not be the most reliable yardstick against which to measure what the force is actually capable of. Following the Iranian Embassy Siege in 1980, the rest of the decade went on to become an important period for cementing the British public's fascination with these seemingly invincible military units.¹²⁴ A public fascination with the idea of Special Forces appears to continue to this day, with television shows like "SAS: Who Dares Wins"¹²⁵ where former members of the UKSF community put members of the public through gruelling SAS-style training. The message that is constantly reinforced in the

media is that UKSF are some kind of super soldier: capable of withstanding hostile climates, hostile forces, and improbable odds.

However, in a recent document put together to influence the use of US Special Operations Forces (SOF)^b by the then-incoming Donald Trump presidency, SOF interviewees highlighted the fact that they tend to be colloquially defined as "forces that do missions that no one else can do."¹²⁶ They emphasised the fact that some missions SOF are currently conducting may be better suited to regular forces, and that reassigning those missions would free up an over-strained and heavily committed SOF force to better prioritise their activities.¹²⁷ In a similar vein, a 2010 study that drew heavily on US SOF engagement highlighted the fact that "simply because SOF *can* do just about anything does not mean they *should* do everything."¹²⁸

There is no publicly-available, modern description of what UKSF tasks, strategies, attributes, or responsibilities are. Instead, we have an outdated memo from the 1969 Ireland campaign, when the MOD reported that likely tasks of the SAS were as follows:

^b The US makes a distinction between its 'core' Special Forces, which it breaks into two 'tiers' (Tier 1: Delta Force and SEAL Team 6/the US Naval Special Warfare Development Group, Tier 2: the rest of the Navy SEALs and the Green Berets), and a broader descriptor of Special Operations Forces, which includes regular units who support SF (predominantly the Rangers). In the US, this distinction is important, as different roles, responsibilities, and levels of oversight apply depending on who you are talking about within the SF or the wider SOF community. However, this fits only awkwardly with the UK experience. Mostly, the UK is considered not to have multiple tiers of Special Forces, with its SAS and SBS teams fulfilling tasks that would sit with both Tier 1 and Tier 2 SF in the American system. It is unclear whether budgetary increases that pertain to UK 'Special Forces' also cover elements such as the Special Forces Support Group, as blanket opacity appears to be applied to all parts of the UK's wider Special Forces network, and there is not a British tradition of using the wider term SOF. For this reason, we use the term SF to refer to the UK context, and only use SOF when talking about the American system, to make it clear when the statistics and information that we cite apply to the broader US SOF community.



Iranian Embassy after SAS raid (image credit: Steve White/ Wikimedia Commons)

- a. The collection of information on the location and movement of insurgent forces
- b. The ambush and harassment of insurgents
- c. Infiltration of sabotage, assassination and demolition parties into insurgent held areas
- d. Border surveillance
- e. Limited community relations
- f. Liaison with, and organisation, training and control of, friendly guerrilla forces operating against the common enemy¹²⁹

The wording of these tasks is very much focussed on the operations of the day and is most likely of limited applicability to their current usage. For example when it comes to counter-insurgency, leaked UK guidance emphasises the fact that SF “should be used to complement rather than replace conventional units,”¹³⁰ and should “only be employed on high value counterinsurgency tasks.”¹³¹ This emphasis on SF’s supporting

role is echoed in NATO doctrine, which states that “special operations may complement—but must not compete with, nor be a substitute for— conventional operations.”¹³² However, in recent years, we have seen UKSF acting as the sole UK boots on the ground, suggesting that we can only currently see a small part of the strategic picture surrounding the use of SF.

The SAS and the Special Boat Service (SBS) themselves are small, with a few hundred personnel.¹³³ This might seem to make their opacity a small problem for the UK’s use of armed force. However, because any operation that is designated as ‘special’ appears to fall under the blanket opacity policy, there is a wider network of forces whose actions may also be obscured when they are working with SF, regardless of the sensitivity of the roles that they are fulfilling or whether they themselves are Special Forces.

For example, the UK’s Special Forces Support Group (SFSG) – set up in 2006 - includes ‘regular’ (albeit elite) units like the Paras (The Parachute Regiment) and the Royal Marines. These units train separately, but work to support the ‘core’ of UKSF. They have been reported as working on the ground alongside the SBS in places like Sirte, Libya in 2016, in connection with strikes against ISIS, but when pressed the government refused to comment on the story.¹³⁴

The UK government recently confirmed that the SFSG is often subject to the same no comment policy as UKSF. Fallon stated: “When under the operational command of the Director of Special Forces, units of the Armed Forces attached to the Special Forces Support Group are subject to the same disclosure policy as other elements of the Special Forces.”¹³⁵ This raises interesting questions as to how expansive the UK government considers its no comment policy to be.

For example, if the no comment policy can be extended to cover regular units under SFSG when they are on special operations, can it be extended to the use of armed drones in support of special operations? Or to the activities of the Specialised Infantry

Battalions, the new arrivals that have been pitched as a sort of 'semi-special' recruiting pool for other parts of the Special Forces, and which are in early stages of set-up at the beginning of 2017? In fact, the Government has recently indicated that there will be certain operations under which these units would also fall under the same no comment policy, as would any regular unit falling under the command of the Director of Special Forces.¹³⁶

In the US, levels of scrutiny and oversight for SOF are largely delineated by what 'tier' of SOF you are talking about, and those 'tiers' are arranged by the roles and responsibilities of the units (see footnote b). However, in the UK the same SF units (or regular units working alongside SF units) can be responsible for highly sensitive counter-terror strikes one day, and training and advising local allies the next. Treating all of these things as equally sensitive and therefore equally deniable does not seem logical, and having an expansive policy of no comment that can cover any unit working to support SF would create a loophole that could allow the government to obscure a whole host of actions that would normally be declared.

This is of particular concern in an age where UKSF, and special operations, are increasingly moving from a 'quick in, quick out' tempo to enduring commitments and rolling deployments in countries where the UK does not have authorisation for regular boots on the ground.

The golden age of Special Forces

["We will more than double our current planned investment in Special Forces equipment to enhance their ability to operate and strike globally in the most hostile environments on their own or with our closest allies, and in particular to enhance their counter-terrorism capabilities."](#)

[- National Security Strategy and Strategic Defence and Security Review 2015¹³⁷](#)

The war on terror has been dubbed "the golden age of Special Forces".¹³⁸ In the UK, the government pledged to more than double investment in SF equipment in its latest national security strategy.¹³⁹ This amounts to

£2 billion of new investment in the capability of UKSF, according to the 2015 Spending Review.¹⁴⁰

In the US, where more statistics are available, the picture is even starker. From 2001 to 2011, funding for their SOF more than doubled, from roughly 3.8 billion dollars to more than 9.8 billion dollars. Over the same nine-year period, SOCOM's (Special Operations Command) manpower increased by more than 28%, growing from 45,655 to 58,657 individuals. The command and its components were projected to add more than 10,000 additional people, a figure that was achieved by March 2015 when troop numbers stood at 69,000.¹⁴¹ This means that there has been a roughly 50% increase in SOCOM manpower over a 14-year period.

During fiscal year 2001, the average number of US SOF personnel deployed overseas was 2,886. As of mid-May 2010, these numbers had roughly quadrupled, with the average number of US SOF deployed overseas rising to 12,560.¹⁴² In March 2015, US SOF were reportedly deployed to over 80 countries.¹⁴³ SOF were recently described as the Obama administration's "military tool of choice." They have certainly been insulated from the hundreds of billions of dollars that were cut from the US military's spending plans,¹⁴⁴ and new plans seem to suggest that a significant number of Special Operations Forces — projected at 12,000 — will remain deployed around the world.¹⁴⁵

The UK appears to have looked to the US as a guide for where to direct funds for its own military. In the 2010 SDSR, the UK government committed to "focus on areas of comparative national advantage valued by key allies, especially the US, such as our intelligence capabilities and highly capable elite forces."¹⁴⁶ In 2015 this was echoed: "our special relationship with the US remains essential to our national security. It is founded on shared values, and our exceptionally close defence, diplomatic, security and intelligence cooperation."¹⁴⁷

Nevertheless, testament to the fact that keeping a lid on covert operations is becoming ever-more difficult in today's information age, our research shows that it

is possible to knit together a picture of UKSF deployments to places like Iraq, Syria, Libya, Yemen and Somalia from open sources.

Sometimes this takes place on the front lines, sometimes the UK plays a supporting role. Consistently, however, the UK has shown a tendency to be less transparent about its use of SF than its allies.¹⁴⁸ Worryingly, the UK government has also not articulated a strategy that might knit these engagements together into a coherent response to the threat of terrorism.

Libya

In February 2016, UKSF were reported to be working alongside their counterparts in the city of Misrata,¹⁴⁹ as other claims began to surface that UKSF were escorting MI6 teams to meet officials to discuss supplying weapons and training to the regime's army and militias.¹⁵⁰



US investment in their Special Forces has dramatically increased (image credit: US Navy/Wikimedia Commons)

In March 2016, the then-British Secretary of State for Foreign and Commonwealth Affairs, Philip Hammond, confirmed that 'military advisers', whose numbers are unknown, had been deployed to Libya, but would not comment on what they were doing.¹⁵¹ This coincided with the release of a leaked memo between Jordan and the US that revealed that UK SAS troops have been on the ground in Libya since at least the beginning of the year.¹⁵²

In May 2016, UKSF reportedly fired on, and destroyed, an ISIS suicide-truck heading for Misrata.¹⁵³ This was followed by reports that British Special Forces had been ambushed by ISIS fighters while in convoy with Italian Special Forces, while heading from Misrata in the direction of Sirte. The same report cited SBS and SFSG plans to join allies in an assault on Sirte.¹⁵⁴

By July 2016, recordings of British, French and US forces coordinating air strikes from a base near Benghazi were released,¹⁵⁵ followed by reports that UKSF had attacked IS suicide vehicles, directed assaults and provided life-saving equipment to Libyan troops in Sirte.¹⁵⁶ In one gun battle near Sirte, members of the SBS reportedly killed three British-born men fighting for ISIS.¹⁵⁷

This was backed up **in August 2016** with reports that UKSF had reportedly helped Libyan fighters flush ISIS out of Sirte,¹⁵⁸ topped off by interviews with elite US personnel that suggested British troops were operating alongside them in the city.¹⁵⁹

In October 2016, a report suggested that the UK is supporting Coalition air strikes against ISIS in Sirte,¹⁶⁰ and in February 2017 this was backed up when an interview with a senior US official following a January airstrike that reportedly killed more than 80 members of ISIS in Southern Libya referenced the involvement of UKSF in gathering intelligence after the strike. For example, collecting computer data, documents, and potentially even facilitating the interrogation of surviving ISIS fighters by local Libyan forces.¹⁶¹

Somalia

In June 2007 it was reported that a joint US/UKSF mission had been launched in Somalia to try and track down foreign

terrorists. DNA samples of those killed in the raids were apparently collected and analysed, with the hope of disrupting terror cells back in the UK.¹⁶²

In March 2012 the former chairman of the Commons Counter Terrorism Sub-Committee announced that “Somalia is clearly the site of Britain’s next overseas engagement... there have been a series of incursions into Somalia by British troops... Our Special Forces wield a considerable amount of power in the region. There is no doubt we are involved in the war against al-Shabaab.”¹⁶³

In October 2013, an assault took place in the coastal town of Barawe, a location linked to the leadership of al-Shabaab. Al-Shabaab claimed that British and Turkish SF carried out the raid and that one SAS officer was killed. An MOD spokesman said that “no UK forces at all” were involved.¹⁶⁴

In March 2016, the same leaked memo that implicated UKSF in Libya also placed the spotlight on Somalia, with King Abdullah stating that his troops were ready with Britain and Kenya to go “over the border” to attack al-Shabaab in Somalia.¹⁶⁵

In April 2016, a report emerged that UKSF had been training local soldiers how to fight al-Shabaab from a camp just north of the capital Mogadishu. The team was also cited as having a mission “to disrupt and stop al-Shabaab’s operations.”¹⁶⁶

In February 2017, a report on US special operations in Kenya’s Boni National Reserve on the border with Somalia claimed that there had been British (and other allied) intelligence and SF support.¹⁶⁷

Yemen

In January 2016 the MOD admitted that British forces were present in the operation room in Riyadh for the Saudi air strikes against Yemen, but without having an operational role.¹⁶⁸

However, a report released **in April 2016** referenced interviews with British, Saudi and Yemeni troops and officials recounting how UKSF had occasionally taken the lead on joint UK, US, and Yemeni operations against

AQAP,¹⁶⁹ suggesting that the UK had at least been directly involved in the country, if not specifically as part of the Coalition.

Afghanistan

In August 2015, reports suggested that members of the SAS and SBS had been sent back to Afghanistan to help US SOF to lead counter-terror strike operations against the Taliban and members of the ISIS splinter group that had established itself in Afghan territory. This was reported to be a step up from their previous mission to train local Special Forces units after the official withdrawal of British troops in 2014.¹⁷⁰

Syria

In June 2016, reports began to emerge that UKSF were fighting on the Syrian frontline from al-Tanf.¹⁷¹ A commander of the New Syrian Army confirmed in an interview that British troops crossed over from Jordan after a wave of ISIS assaults, claiming that “they helped us with logistics, like building defences to make the bunkers safe.”¹⁷²

This was backed up by reports **in July 2016** of a Russian attack on the al-Tanf base a month before, apparently only a day after UKSF had crossed back into Jordan.¹⁷³ In August 2016, the BBC published images of what it says are UK SOF at al-Tanf back in June, securing the perimeter.¹⁷⁴

A spokesman for the New Syrian Army refused to comment on the pictures of UKSF, but said: “We are receiving special forces training from our British and American partners. We’re also getting weapons and equipment from the Pentagon as well as complete air support.”¹⁷⁵

In August 2016, UKSF reportedly captured a senior ISIS commander after a battle near al-Tanf in support of the New Syrian Army.¹⁷⁶ It was also reported that Royal Marines would join SAS in training elements of the New Syrian Army in Jordan.¹⁷⁷

Iraq

In August 2016, reports of UKSF on the ground began to surface despite the fact that Parliament had only authorised air strikes.¹⁷⁸ Reports claimed that the UK is reportedly leading a secret mission to capture Islamic

State commanders before a major assault on Mosul (May 2016),¹⁷⁹ and that a UK SAS sniper had reportedly killed an ISIS suicide bomber in a village just north of Baghdad (Aug 2016).¹⁸⁰

In October 2016, reports suggested that some 250 UK troops had been deployed to assist the retaking of Mosul, and a further 250 had been deployed to assist the Joint Force training the Kurdish forces in Erbil.¹⁸¹

In November 2016, it was reported that British SAS forces had been given a hit list of UK terrorist targets in Iraq.¹⁸²

In February 2017, reports began to emerge that UKSF who were supposed to have been embedded with Iraqi and Kurdish fighters as advisers have been dragged into the battle for Mosul, spearheading attacks alongside US and local allies from the west of the city.¹⁸³

The blanket opacity policy

“A defining characteristic of a democratic society is our trust in our institutions and democratic oversight by parliamentarians of those who work so hard to keep us safe. We have that oversight with our police and with our security services, but we do not yet have it with UK Special Forces under the Intelligence and Security Committee or the Defence Committee.”

– Angus Robertson MP, member of the ISC¹⁸⁴

“If they are classic Special Forces operations – sharply in, and sharply out – then you would need to maintain their secrecy. If they are part of a strategy you would expect that strategy to be overseen.”

– Crispin Blunt MP, Chair of the Foreign Affairs Committee¹⁸⁵

Lack of legislative oversight

It is an interesting quirk of British procedure that SF are automatically omitted from parliamentary discussions and authorisations of the deployment of UK ground forces. For example, despite the presence of UKSF in places like al-Tanf in southern Syria,

the authorisation for the use of force that was approved by Parliament specifically precluded the deployment of ground troops:

“[Parliament] notes the Government will not deploy UK troops in ground combat operations... and accordingly supports Her Majesty’s Government in taking military action, specifically airstrikes, exclusively against ISIL in Syria; and offers its wholehearted support to Her Majesty’s Armed Forces.”¹⁸⁶

Similarly, there has been no authorisation of military deployments to Libya despite large numbers of reports of UKSF action on the ground.¹⁸⁷ In a recent report from the Foreign Affairs Committee on the UK’s role in the conflict in Libya, the writers acknowledged reports of UKSF operating in combat roles in the country, noting that:

“it is difficult to square reports of British Special Forces participating in combat with the comment by the Secretary of State for Defence in May 2016 that:

we do not intend to deploy ground forces in any combat role. Before engaging in any military operation in Libya, we would of course have to seek an invitation from the Libyan Government, and would also have to involve this Parliament.”¹⁸⁸

Neither of these conditions were met. The internationally recognised Government of National Accord (GNA) has not invited the UK to play a combat role, and the UK Parliament has not been involved in deliberations. Indeed, in an earlier briefing called “*We need greater transparency on UK military operations in Libya*”, our analysis charted the full list of contradictory and confusing statements given by the government in denying the existence of plans to commit troops to Libya.¹⁸⁹ Nevertheless, the British system as it stands allows the government to deny the presence of UK troops in a combat role in Libya, even when it has a SF presence on the ground, regardless of the scale, duration, or nature of their role.

While a convention now exists that parliamentary approval will be sought once certain thresholds have been reached (including that the possibility of premeditated military action exists, and military forces are

to be deployed in an offensive capacity)¹⁹⁰ a 2015 Parliamentary Briefing on the issue argued that Special Forces are an “obvious exception.”¹⁹¹

In contrast to the lack of legislative oversight of UKSF, the actions of the intelligence services have been brought under increasing oversight since the start of the war on terror. The 2013 Justice and Security Act strengthened the ISC, giving Parliament greater powers to scrutinise the operational activities and wider intelligence activities of the government.¹⁹²

As well as MI5, MI6 (also known as the Secret Intelligence Service, or SIS), and GCHQ, the ISC examines the intelligence-related work of the Cabinet Office including: the Joint Intelligence Committee (JIC); the Assessments Staff; and the National Security Secretariat. The Committee also provides oversight of Defence Intelligence in the MOD and the Office for Security and Counter-Terrorism in the Home Office.¹⁹³ An additional layer of scrutiny has emerged now that MI5, MI6 and GCHQ each have press officers authorised to speak to the media.¹⁹⁴

There is no parallel parliamentary system to oversee the actions of UKSF. As their operations contain sensitive intelligence and security information, the Defence Committee of Parliament does not have the clearances needed to monitor them. The ISC, as the only Committee of Parliament composed of members with security clearance, does have the relevant permissions, but does not have the mandate, nor the resources. The Foreign Affairs Committee, although it reports on UK interventions abroad, does not have the clearances or the remit to include any information about UKSF outside of public media reports of their actions. In addition, information about UKSF is specifically exempt from the Freedom of Information Act,¹⁹⁵ and any stories that are leaked are open to prosecution under the Official Secrets Acts.¹⁹⁶

In response to a parliamentary question from Yasmin Qureshi MP in July 2016 on whether the government would “assess the potential merits of appointing a committee of parliamentarians to oversee the operations and budget of special forces, similar to the functions of the Intelligence and Security

Committee in respect of the intelligence services”, Michael Fallon, Defence Secretary, simply replied “No”.¹⁹⁷

In October 2016 we finally saw written confirmation that the activities and budget of UKSF are overseen by government ministers and the National Security Council (NSC).¹⁹⁸ However, it is unclear what scrutiny is afforded in the case of UKSF commitments outside of areas of declared hostilities – like those currently taking place under the banner of counter-terrorism.

Bodies such as the NSC operate by holding sessions on specific military operations, such as the 2011 ‘no fly zone’ that was implemented over Libya during Operation Ellamy.¹⁹⁹ It is unclear what role it has played in scrutinising UK strategy or activities in the country since then. Greater official clarity on the ministerial oversight of UKSF would also be hugely helpful.

The US approach

It is not the case in other countries that the actions of Special Forces are exempt from legislative scrutiny. For example, in the US, SOF are formally overseen by the Armed Services Committees of the Senate and House of Representatives, specifically by the Subcommittees on Emerging Threats and Capabilities.²⁰⁰ The Subcommittees have often held hearings covering SOF strategy and policy in public, with SOF commanders giving testimony. For example, in 2014 Admiral William McRaven, Commander of the US Special Operations Command, gave wide-ranging testimony before the Senate Subcommittee, including details of SOF operational activity, analysis of the threat environment, force composition and deployment, and strategic approach.²⁰¹

There are signs that Obama attempted to institutionalise greater accountability for SOF deployments during his presidency. Under President George W. Bush, Joint Special Operations Command's (JSOC) operations were rarely briefed to Congress in advance — and usually not afterwards — because government lawyers considered them to be “traditional military activities” not requiring such notification. President Obama took the same legal view, but insisted that JSOC's sensitive missions be briefed to select congressional leaders.²⁰²

It may even be the case that this increasing congressional oversight means that UKSF activities that are carried out alongside their US allies are overseen and scrutinised by Congress, even while they are not overseen by Parliament. For example, the new US National Defense Authorization Act for Fiscal Year 2017 hands a US Congressional Committee greater oversight of ‘Sensitive Military Operations’ undertaken by their Joint Special Operations Command, including operations that are “conducted by a foreign partner in coordination with the [US] armed forces that targets a specific individual or individuals.”²⁰³

This increased oversight occurred whilst a major expansion of SOF activity took place,²⁰⁴ and has seemingly not prevented JSOC, SOCOM and the CIA acting as powerful forces with a global reach.²⁰⁵

The Norwegian approach

Norway has gone one step further and adopted an approach whereby parliamentary authorisation is required before the deployment of Special Forces. For example, in May 2016 the Norwegian government announced that it would consult with Parliament about whether or not Norwegian Special Forces would be required to enter Syrian territory, and the authorisation came through in June 2016.²⁰⁶

The decision was accompanied by an official statement by the Defence Minister, providing the rationale behind the deployment as the need to provide more support to local anti-ISIS forces, who were reportedly making better progress than previously expected.²⁰⁷

In December 2008, a similar vote went the other way, when then-President of the Parliament requested that the government be able to send Norwegian Special Forces to Afghanistan if NATO asked for them. On the grounds that the Norwegian contribution to Afghanistan was already one of the highest when compared to population size, the motion was rejected.²⁰⁸

Culture of no comment and the blanket opacity policy

It has long been accepted that “the MOD’s long-held policy is not to comment on Special Forces.”²⁰⁹ This means that the government can deflect questions on any aspect of UKSF, including information about where they’re being used, how they fit into UK defence strategy, and what roles they’re playing on the ground.

This blanket opacity policy effectively quashes informed parliamentary and public debate, and it has been used repeatedly over the last year to mask what appears to be a growing UK military response to ISIS:

- In February 2016, claims surfaced that UKSF were spearheading a “secret war” against ISIS in Libya, including covert discussions about supplying weapons and training armies and militias. The MOD responded that it is a “long-held policy... not to comment on Special Forces.”²¹⁰
- In March 2016, when a leaked memo confirmed that UKSF had been operating in Libya since at least the beginning of 2016, this was repeated: “It is our long-standing policy that we don’t comment on Special Forces operations.”²¹¹
- In May 2016, a story began to circulate that UKSF had fired on, and destroyed, an ISIS suicide-truck heading for Misrata. The official statement: “The Ministry of Defence does not comment on Special Forces.”²¹² When a report later that month suggested that the SFSG and the SBS may be involved in planning an attack against ISIS in Sirte, a spokesperson replied that “The MoD neither confirms nor denies claims about Special Forces activity.”²¹³
- In June 2016, it was reported that UKSF were on the front line in the fight against ISIS, this time in Syria. The MOD responded that “It is our longstanding policy that we don’t comment on Special Forces operations.”²¹⁴

The only crack that we have observed in this policy followed a report in April 2016 about UKSF playing a leading role in some ground operations in Yemen.²¹⁵

Uncharacteristically, the government broke slightly with its usual no comment in its response:

“While it is a longstanding Government policy not to comment on Special Forces activity a Foreign Office spokesperson said:

We have previously provided counter-terrorism capacity building support to the Yemeni Security Services to increase their ability to disrupt, detain and prosecute suspected terrorists in line with Yemeni rule of law and international human rights standards. Following the suspension of Embassy operations in Sana’a in February 2015 we suspended this activity. We continue to work with regional and international partners to tackle the threat posed by terrorist organisations including AQAP and Daesh-Yemen and to build regional capacity on counter terrorism. For operational reasons we cannot comment in detail on this activity.”²¹⁶

As the UK’s responses to global insecurity increasingly rely on UKSF and other covert means of engaging in warfare, the release of more unclassified official statements on SF activity would help ensure that public debate and parliamentary scrutiny of UK military action overseas is not unreasonably restricted. Unfortunately, it is more often that we see the government cracking down on the release of this information than providing it.

In 2013, an ex-SAS serviceman opened a case against the London Metropolitan Police for unlawful arrest after he was accused of breaching the Official Secrets Act and leaking information to Sky News.²¹⁷ The charges were later dropped after High Court judges found no grounds to suspect that information had been disclosed “which was likely to cause or to have caused damage to the security or intelligence agencies or to their work.”²¹⁸

In some cases, measures to restrict the appearance of stories about SF activities in the press seem to have been unevenly applied. For example, during the recent wars in Iraq and Afghanistan, a number of ‘positive’ accounts of SF successes were reported on,²¹⁹ raising suspicions that these leaks had the unofficial blessing of the

“Top Gun: Hero SAS sniper kills four ISIS thugs with a SINGLE BULLET as they prepared to murder hostages using a flamethrower”
(The Sun, September 2016)

“GOTCHA: Hero SAS Sniper Saves Hundreds of Lives by Killing ISIS Suicide Bomber with Just One Shot”
(The Express, August 2016)

“British special ops warfighter kills ISIS terrorist with axe, frees sex slaves”
(Washington Times, October 2016)

MOD.²²⁰ However, when it came to a story leaked by an ex-SAS serviceman about SF’s role in the rendition of Iraqis and Afghans to prisons where they faced torture, the MOD swiftly obtained a court order to prevent further disclosures.²²¹

The UK also operates a voluntary self-censorship mechanism for the media when it comes to releasing material about UKSF. The Defence Advisory Notice System (also known as the D Notice System) is used to advise the media about whether publishing material they receive about UKSF might be harmful to national security. In addition to SF, the system covers information on military operations, nuclear and non-nuclear weapons and equipment, ciphers and secure communications, sensitive installations and home addresses, and UK Security and Intelligence Services.²²²

The committee that runs the system is not subject to the Freedom of Information Act 2000, or the Freedom of Information (Scotland) Act of 2002.²²³ It does, however, release some limited statistics about how many requests it gets for each of its categories. For example, the May 2015 minutes note 27 requests for information about stories concerning UKSF in the six months preceding the meeting, and noted that extended dialogue and negotiation had been needed to get the advice of the Committee accepted.²²⁴ Compliance with the system does not, however, mean that editors are immune from being pursued under the Official Secrets Act.²²⁵

While the system insists that “public discussion of the United Kingdom’s defence and counter-terrorist policy and overall strategy does not impose a threat to national security and is welcomed by Government,”²²⁶ a March 2015 review of the system notes that:

“Special Forces (SF) are probably the least willing of all the agencies to engage with the media (in spite of a certain amount of leaking and self-publicity by ex-SF members) and tend to stick to the formula of ‘neither confirm nor deny’ any information related to SF. This can make it quite difficult for the media to judge the veracity of some of the stories that are put to them or to weigh the security implications [of publishing the information].”²²⁷

Perhaps as a consequence of this lack of serious debate, when the media do pick up stories of UKSF in action, it tends to be in hyperbolic and nonsensical language, with headlines like “Hero SAS sniper kills four ISIS thugs with a SINGLE BULLET as they prepared to murder hostages using a flamethrower”²²⁸, “GOTCHA: Hero SAS sniper saves hundreds of lives by killing ISIS suicide bomber with just one shot”²²⁹ or recently “British special ops warfighter kills ISIS terrorist with axe, frees sex slaves”²³⁰

Rather than allowing the occasional leak of SF ‘good news’ stories, it would be easier to hold the government to account over information released in official, unclassified background briefings on SF activities. Unfortunately, in contrast to its allies, the UK has not chosen to do this (see box on following page).

Relative transparency from Britain's allies

While it may seem to make sense for the SAS and other UKSF to have the right to operate outside of the public eye, our research has shown that blanket opacity is not the norm among Britain's allies. For example, it is not unusual for official spokespeople from the American, Australian, and Canadian administrations to publicly announce details of SOF deployments.²³¹ This provides reporters, and the general public, with an important opportunity to question government strategy and debate the implications of their involvement in conflicts overseas.

In October 2015, President Obama announced that he had authorised the first sustained deployment of Special Forces to Syria. He reported that they would number fewer than 50 personnel, and were being deployed to strengthen anti-ISIS forces. The statement came by way of an official spokesperson, who defended the move against accusations of mission creep from the media audience, and insisted that this did not mean that Obama's strategy to avoid putting combat troops in Syria had fundamentally changed.²³²

In April 2016, Obama announced that he was sending an additional 250 SOF to Syria,²³³ with an additional 200 announced in December 2016 to aid the campaign to retake Raqqa from ISIS control.²³⁴

In November 2015, Canadian Prime Minister Justin Trudeau gave a press conference where he discussed increasing Canada's contingent of 69 SOF trainers in Iraq. While the Department of National Defence refuses to discuss operational details, it has confirmed that Canada's Special Forces in Iraq are operating under a mandate that allows them to accompany Kurdish forces up to and across front lines and into battle.²³⁵

In a later statement, Trudeau estimated that only around 20% of Special Force activity in Iraq happens in forward positions close to the front lines, and that the remaining 80% consists of training – a comment that was echoed by the head of Canada's Special Operations Forces Command, Brigadier-General Michael Rouleau.²³⁶

In November 2015, then-Australian Prime Minister Tony Abbott announced that 200 Special Forces members had been cleared to deploy to Iraq, where they would begin to advise and assist local security forces in the fight against ISIS.²³⁷ This was followed, in April 2016, by the announcement that the Australian Defence Inspector General had begun an investigation into the internal culture of the Special Forces.

The Australian Chief of Army, Lieutenant-General Angus Campbell, agreed to a wide-ranging independent review following a period of high-intensity Australian Special Forces deployments in the post-September 11 period. In particular, their deployment to Afghanistan between 2005 and 2013 has given rise to stories of unlawful behaviour and civilian casualties.²³⁸

Even France, who has a more restrictive approach to announcing SOF operations than many of the UK's other allies, officially announced a presence in Libya in July 2016, following the deaths of three soldiers.²³⁹ In October 2016, a French spokesperson confirmed that a booby-trapped drone had injured two members of its Special Forces in Erbil, Iraq.²⁴⁰

While not every deployment of SOF is announced, the policy of providing official, unclassified briefings on a number of SOF activities is an indication that there is nevertheless the expectation that the public should be kept as informed as possible, and that debate on SOF actions abroad should not be unreasonably restricted.

Conclusions

UKSF are unique in their exemption from parliamentary oversight. Perhaps greater inspiration could be drawn from the process of improving the scrutiny of the intelligence agencies, where there was an attitude of acceptance that greater transparency is necessary in today's world. Director-General of the British Security Service (MI5) Andrew Parker reflected that "We recognise that in a changing world we have to change too. We have a responsibility to talk about our work and explain it."²⁴¹

The amount of information about UKSF action that becomes available through unofficial sources makes the idea of blanket opacity increasingly outdated, and the benefits of maintaining such a policy should be critically examined in light of the more transparent practices of Britain's allies.

Case 3: sharing capabilities with allies

Introduction

This section will look at the UK's provision of capabilities, such as embedded troops and intelligence, to conflict areas in support of allies. These are long-standing practices – the UK has been embedding troops in allied forces since the 1950s.²⁴² It currently has “over 250 exchange personnel in the armed forces of allies including the US, Australia, Canada, Netherlands, Italy, France and Germany”²⁴³ operating in places such as Afghanistan, Libya, Iraq and Syria.²⁴⁴

The UK also has a long history of sharing intelligence with other countries, especially the US. In a range of agreements signed between 1946 and 1954 (known as the UKUSA Agreement) the US and UK committed to sharing signals intelligence, reaffirming their “vital... cooperation” during World War Two.²⁴⁵ The 1950 Burns-Templer Agreement oversaw military intelligence in a similar way.²⁴⁶ This is now one of the deepest and most comprehensive intelligence-sharing relationships in the world.²⁴⁷ The core of this relationship is that between the US's National Security Agency (NSA) and the UK's Government Communications Headquarters (GCHQ).²⁴⁸

Capabilities sharing has a strong alliance-building component. Embedding UK troops allows “UK military personnel to gain direct experience of key capabilities and equipment; make a positive contribution to our defence relationships with our closest allies; and can directly contribute to enhancing the UK's military capability”²⁴⁹ as well as “those of our allies.”²⁵⁰

Intelligence is consistently portrayed as an area where the UK can “punch above its weight,”²⁵¹ and in the 2010 SDSR, the UK government committed to “focus on areas of comparative national advantage valued by key allies, especially the United States, such as our intelligence capabilities and highly capable elite forces.”²⁵² In 2015 this was echoed: “our special relationship with the US remains essential to our national security. It is founded on shared values, and our exceptionally close defence, diplomatic, security and intelligence cooperation.”²⁵³

The sharing of capabilities is far broader than assisting allies who are engaged in conflict. However, a small subset of capabilities sharing occurs between the UK and partners who are engaged in conflicts that the UK is not considered to be a part of, which is where the lack of transparency can begin to raise serious questions about government accountability. For example, it was revealed that before parliamentary authorisation for the use of force in Syria, UK troops had undertaken strikes in the country while embedded in US forces and the UK was “providing intelligence and surveillance to support coalition partners... carrying out air strikes in Syria against ISIL.”²⁵⁴ These activities were subjected to minimal parliamentary or public scrutiny. Embeds are deployed after ministerial approval, and do not require authorisation or scrutiny from Cabinet or the rest of Parliament.²⁵⁵

Providing capabilities outside areas of declared hostilities

There is currently a lack of clear guidelines or procedures for how the risks are managed when providing capabilities and assistance to allies who are involved in conflicts to which the UK is not formally a party. For example, according to the government, embedded troops, or embeds, are considered part of the force they are embedded in, following their chain of command and Rules of Engagement (ROEs); however, they must also follow UK RoEs and UK law.²⁵⁶

ROEs are orders that “delineate the parameters within which force may be used”,²⁵⁷ and are set at the operational level in relation to specific operations and in line with laws of armed conflict.²⁵⁸ They are therefore unlikely to differ significantly between allies. However, there is a possibility that allies' rules may be less restrictive than UK law in some circumstances. For example, it has been reported that the UK has a zero-tolerance policy towards anticipated civilian casualties when conducting strikes, whereas the US adopts more of a sliding scale of ‘proportionality’ whereby some anticipated civilian casualties are permitted when striking high-value targets.²⁵⁹

The government has previously stated that UK law and the laws of armed conflict take precedent.²⁶⁰ For example, UK officers

embedded in the International Security Assistance Force (ISAF) in Afghanistan held a “red card...that they [could] use to refuse or approve a mission request.”²⁶¹ However, particularly when embeds are involved in conflicts where the UK does not have a formal role, greater clarity over how these risks are managed would be helpful.

In a public evidence session with the ISC in 2013, Sir John Sawers – the then-Chief of the SIS, also known as MI6 – said that in 2010 the UK worked “with over 200 partners across the world.”²⁶² He argued that intelligence agencies often must work with countries from where the threat to the UK is coming, which can involve working with countries that do not share our democratic values.²⁶³ He does, however, add that – to ensure the UK acts within the law – they seek assurances that “when we provide evidence it will be used lawfully.”²⁶⁴ Each intelligence-sharing partnership is governed

by a Memorandum of Understanding (MOU), although these are not made public and requests to see the MOUs governing controversial partnerships such as that between the UK and Saudi Arabia have been refused.²⁶⁵

While sharing capabilities with allies is a necessary and desirable part of UK defence and security policy, a number of cases have revealed that there are problems with the low levels of transparency and accountability that currently accompany these activities when the UK is providing capabilities to partners who are involved in conflict. The fact that the UK was providing capabilities rather than directly engaging (as well as the fact that some of these activities were provided through the intelligence services) has allowed the government to be involved (and in some cases deeply involved) in overseas conflicts with minimal scrutiny – and in some cases completely denying its involvement.



“The Doughnut”, the headquarters of the GCHQ (image credit: Ministry of Defence/ Wikimedia Commons)

Syria

In July 2015 the MOD revealed – in response to an FOI request by Reprieve – that UK troops were embedded in allied forces operating in Syria,²⁶⁶ and had been since Autumn 2014 (well before parliamentary authorisation of UK strikes in the country).²⁶⁷ Fallon admitted that:

*“Since the international Coalition commenced military operations against ISIL last year, up to 80 UK personnel have been embedded with US, Canadian and French forces. They have undertaken a range of roles including planning, training and flying and supporting combat and surveillance missions.”*²⁶⁸

It also emerged three days later that “a small number of embedded UK pilots have carried out airstrikes in Syria against ISIL targets.”²⁶⁹ This meant that as the UK Government were considering taking a vote on whether or not

to engage militarily in Syria, members of the UK military were already engaged – but under the control of allied forces.

Though their numbers may have been low, troops were seemingly authorised to take a kinetic role in Syria, which is not always the case with embeds. Vernon Coaker, the then-Shadow Secretary of State for Defence, noted UK embeds in Vietnam were not allowed to take part in the conflict, Dutch marines embedded with US marines in Iraq in 2003 were “brought home” and US embeds in the British Army were not allowed to patrol the streets of Northern Ireland.²⁷⁰

The fact that the UK Parliament had no forewarning of the combat role of British embeds caused widespread criticism. John Baron MP, a senior Conservative backbencher, claimed the Government had shown “insensitivity to Parliament’s will” by not taking the issue to vote in the House of Commons.²⁷¹



UK drone pilots (image credit: Defence Images/ Flickr Creative Commons)

Edward Leigh MP argued in the House of Commons debate that, while “we should keep the embedding of five pilots in hundreds of missions in perspective... the fact remains that we were given a solemn promise that if British service people were to bomb in Syria, we would be consulted.”²⁷² Similarly, Jennifer Gibson, of Reprieve, also argues that the fact “UK personnel have already been involved in bombing missions over Syria for some time” makes “the current debate over whether Britain should carry out such strikes somewhat obsolete.”²⁷³

Senior members on the opposition bench, such as Harriet Harman, the then-acting Leader of the Labour Party, and Coaker were also shocked they had not been briefed – even when they attended the National Security Council earlier that week.²⁷⁴

Before the UK Parliament gave authorisation for the UK to undertake strikes in Syria, Foreign Office Minister Tobias Ellwood MP also admitted that the UK was “providing intelligence and surveillance to support coalition partners... carrying out air strikes in Syria against ISIL.”²⁷⁵ For example, the UK played a role in the US strike against British computer hacker Junaid Hussain. According to reports from *The Times*, Hussain revealed his location by opening an internet link, which was allegedly sent by an “undercover agent after GCHQ and its US allies cracked encrypted Islamic State communications.”²⁷⁶ US Col Patrick Ryder told the *Guardian* that the two countries consulted “with each other regarding the targeting of Junaid Hussain”, adding “both governments will continue to coordinate efforts to eliminate violent extremist organisations.”²⁷⁷

Lieutenant-Colonel Nicholas Mercer, the British Army’s chief legal adviser in Iraq in 2003, said the confirmation of a British link to Junaid Hussain’s death raised “disturbing questions.”²⁷⁸ This is particularly true when you consider the fact that, while the UK has admitted involvement in this successful strike against Hussain, it has kept very quiet about whether or not it was similarly involved in the US’s first strike attempt which missed its target, instead killing three civilians.²⁷⁹

In November 2015, the UK government reported that it had worked “hand in glove” with the US in strikes against Muhammad

Emwazi, or Jihadi John as he was dubbed by the media. The then-Prime Minister, David Cameron stated that the UK had been working “round the clock with the Americans to track him down” and insisted that the “contributions of both countries was essential.”²⁸⁰ *The Telegraph* also reported that the strike “was the culmination of 15 months of intensive intelligence work by MI6, GCHQ and the CIA”, claiming that Emwazi had been “located either by GCHQ or MI6” who then gave this information “to the Pentagon, enabling the operators of an armed Predator drone already in the sky above Raqqa to spot the car in which he was travelling.”²⁸¹

The International Business Times UK also described the intensive and sustained role UK intelligence played in finding Emwazi, stating that: “The Activity [a top secret US special operations intelligence unit] was just one player in the race to find Jihadi John. The NSA and Britain’s GCHQ along with the FBI and Britain’s Security Service MI5 spent weeks trying to identify him.”²⁸²

These two incidents not only raise concerns about failed attempts on ISIS members’ lives but also about UK involvement elsewhere. Gibson argues:

*“How much else don’t we know? Has this cooperation extended to operations in countries such as Yemen and Pakistan, where even US military generals are calling it counter-productive? The British public urgently needs answers about the scope of UK involvement in both its own assassinations and those of the US.”*²⁸³

Somalia

Evidence suggests the deaths of British men Bilal el-Berjawi and Mohamed Sakr by separate US drone strikes in Somalia in 2012 had some level of British involvement. The two men came and went between the UK and Somalia for a number of years and were suspected of involvement with al-Qaeda.²⁸⁴ *The Economist* claimed that after el-Berjawi was injured in a failed US strike in Somalia, he called his wife and the “telephone call seems to have been traced by British intelligence and the coordinates passed on to the Americans” – soon after this, el-Berjawi was killed in a successful strike.²⁸⁵

There have also been other, albeit weaker, indications of the UK's involvement in collecting and disseminating the intelligence needed for allies to take action against the two men. In an interview with *CAGE* before he moved back to Somalia, el-Berjawi claimed that, when being interrogated in Kenya, the level of detail his interrogators knew about his life in London led him to believe the UK was feeding questions to them.²⁸⁶ Nine months after el-Berjawi and Sakr moved to Somalia for the last time in 2009 they were stripped of their UK citizenship. The Snowden documents also reveal that around the same time their citizenship was revoked the US started following el-Berjawi's movements intently, collecting intelligence on him and intercepting communications – before eventually pinpointing his location.²⁸⁷

It is unclear what role the UK played; however, as the *Intercept* concluded, “Berjawi's life and death raises new questions about the British government's role in the targeted assassination of its own citizens.”²⁸⁸ *The Economist* similarly argues that the case raises some important questions, including: “Was the British connection a coincidence or a cool calculation? Did British politicians have any knowledge of the action?”²⁸⁹

Pakistan

The UK may have played a role in US drone strikes in Pakistan. The Snowden documents revealed a 2008 memo from the UK listing “surveillance of two specific sites and an overview of satellite-phone communications of the Federally Administered Tribal Areas” (the area which has seen the largest share of US drone strikes in the country).²⁹⁰ A document from June 2009 also shows GCHQ speaking about its ability to provide “tactical and strategic [signals intelligence] support to military operations in-theatre, notably Iraq and Afghanistan, but increasingly Pakistan.”²⁹¹

Leading experts have argued that it is likely the UK provided intelligence for US drone strikes. Michael Clarke, former director of the Royal United Services Institute (RUSI), said he would be “astonished” if the UK was “not giving their US counterparts information to help them locate terrorist suspects.”

He said: “I believe it to be true that our intelligence information in certain cases has pinpointed targets for attacks and those attacks do amount to extra-judicial killing.”²⁹² Ben Emmerson, UN special rapporteur on counter-terrorism who has conducted a year-long investigation into the use of armed drones by the US, UK and Israel, told a UK parliamentary meeting last year that intelligence ties between the UK and US are so closely intertwined that it is “inevitable” such sharing had taken place²⁹³. He added: “It would be absurd if it were not the case.”²⁹⁴

The UK government has refused to admit any involvement. In 2012, when asked about the UK's role in Pakistan, former Foreign Secretary William Hague MP said: “Once you comment on one case you have to comment on many hundreds of other cases. I can't comment on who we share intelligence with, and on what subjects.”²⁹⁵

Yemen

Evidence has emerged about the UK's role within the US's drone campaign in Yemen. In early 2010, a leaked internal report from UK-US signals intelligence station RAF Menwith Hill in North Yorkshire suggested that a new technique was being used to identify targets “at almost 40 different geolocated internet cafés” in Yemen's Shabwah province and in the country's capital, Sana'a.²⁹⁶

Snowden documents also revealed how a joint US, UK and Australian programme through Overhead, a surveillance network “integrating satellite imagery with digital and telephonic communications”²⁹⁷ supported a fatal US drone strike in Yemen in 2012.²⁹⁸ They also revealed that these agencies developed their ability to track the location of individuals in Yemen.²⁹⁹ In 2014, Yemeni President Abdurabbo Mansour Hadi told Human Rights Watch that there was a “joint operation room” where the United States, the United Kingdom and NATO “identifies in advance” individuals who are “going to be targeted.”³⁰⁰

In April 2016, an article in *Vice News* by journalists Jack Watling and Namir Shabibi revealed how the UK's SIS played “a crucial and sustained role” in the country between 2001 and 2015.³⁰¹ Britain reportedly had a very good “reservoir of knowledge, contacts,

and expertise” which formed the basis for a good human intelligence network. Once a target was identified, the SIS and the Central Intelligence Agency (CIA) “would collaborate on preparing a Target Package — outlining the actionable intelligence.” Beyond this, the UK helped the Yemeni National Security Bureau (NSB) in gathering intelligence, Ali al-Ahmadi – NSB director between 2012 and 2015 – said that SIS mentoring was “theoretical and operational.”³⁰²

The strike against Said Sadd, described in a separate article by the same writers, gives an insight into how this came together:

“... [Said Sadd] was found by an agent working for Britain’s [SIS] who tagged his vehicle, allowing it to be picked up by the Overhead program ...

The Overhead program, of which GCHQ is a part, then informed the CIA, who sought corroboration of the target’s location from officers at Yemen’s NSB, who SIS agents were mentoring, before routing a drone to intercept the car. It is likely GCHQ was tracking Saad as part of the program, before passing on the information for the strike.”³⁰³

The UK’s presence in the country has apparently been pivotal. The piece describes how UK intelligence personnel were experts in the region, and in surveillance more generally. In the strike against Fahd al-Quso it was also revealed that a UK agent provided intelligence that the “US didn’t have.”³⁰⁴

Despite its important role, the UK government did not admit to its contributions. It claimed “[t]he UK does not provide any military support to the US campaign of [drone] strikes on Yemen.”³⁰⁵ In a letter to Reprieve, a senior MOD official denied the UK is providing “any military support to the US campaign of Remotely Piloted Aircraft System strikes on Yemen” adding that it was “unaware of any multinational control centre” of the sort reportedly described by the Yemeni president.³⁰⁶ Only much later did the Foreign Office spokesperson – in a rare statement – suggest that “we have previously provided counter-terrorism capacity building support to the Yemeni Security Services” but that operations had now ended.³⁰⁷

The UK’s role in aiding the Saudi-led coalition

The UK’s past role in Yemen is especially important in light of the current conflict in the country. After the Arab Spring, President Ali Abdullah Saleh was overthrown and his deputy Abdrabbuh Mansour Hadi oversaw the formation of a power-sharing government and began implementing reforms. However, unsatisfied with the reforms proposed, Saleh and the Houthi rebels, a political movement dominated by Zaydi Shia Muslims,³⁰⁸ formed an alliance and forced Hadi out of the country. In defence of Hadi, a Saudi-led coalition (made up of Bahrain, Kuwait, Qatar, Saudi Arabia and the United Arab Emirates (UAE), Egypt, Jordan, Morocco, and Sudan) began airstrikes against the Saleh-Houthi rebel alliance in Yemen in March 2015.³⁰⁹ These strikes have been heavily criticised and the Saudi-led coalition has been accused of human rights abuses by a number of groups, including the UN³¹⁰ and Amnesty International.³¹¹

Amidst the subsequent instability, human intelligence networks “fell away”³¹² but the UK appears to have continued playing a role in the country. Initially the UK government was openly supportive of the Saudi-led coalition. For example, *Agence France Presse* quoted the then-British Secretary of State for Foreign and Commonwealth Affairs, Philip Hammond promising: “We’ll support the Saudis in every practical way short of engaging in combat.”³¹³ As the conflict has progressed, however, the government has been caught between claiming enough knowledge and oversight of Saudi-led coalition’s activities to justify continuing its arms sales to them – which at £3.3 billion represents 45% of UK arms exports³¹⁴ – and distancing themselves from the decision-making process enough to deny any responsibility for the disasters that have occurred.³¹⁵

As such, it has maintained that its role is limited to improving compliance with international law but maintains it is not involved in operations in Yemen.³¹⁶ As Rory Stewart, Minister for International Development stated: “We provide training and capacity support, which includes statements about international humanitarian



Airstrikes in Sana'a (image credit: Ibrahim Qasim/ Wikimedia Commons)

law, but that is not about this military operation—that is in general for the royal Saudi air force.”³¹⁷

Despite these claims, the UK appears to have an active role in the conflict, especially through the Joint Combined Planning Cell (JCPC) HQ. The JCPC was set up in 2015 to arrange US support to the Saudi-led coalition, including knowledge sharing.³¹⁸ In June this year, Saudi foreign minister Adel al-Jubeir claimed “we have British officials and American officials ... in our command and control centre. They know what the target list is, and they have a sense of what it is that we are doing.”³¹⁹ While he argued that neither country played a role in selecting targets, it was clear they are intimately involved.³²⁰

In response, the MOD admitted that British forces were present in the operation room for the Saudi air strikes against Yemen, but claimed they do not have an operational role.³²¹ Later, Ellwood explained that the UK

had liaison officers in the JCPC HQ, helping to monitor the current situation in Yemen and facilitate communication with the coalition.³²²

The US has admitted to intelligence-sharing with the coalition³²³ – though it argues this has been reduced.³²⁴

In the First Joint Report of the Business, Innovation and Skills and International Development Committees of Session 2016-17, “The use of UK-manufactured arms in Yemen”, the Committee complained that:

“We were told that UK personnel are not part of the intelligence planning cells, but that they are in the Joint Combined Planning Cell HQ. We also heard that UK personnel are in Saudi Arabia to train, educate and teach best practice, which includes understanding IHL and training air crews and planners how to go about assessing targets for the future, but that our liaison officers ‘do not provide training, they do not provide advice on IHL compliance, and they have no role in the

Saudi targeting chain.’ This is an area in which there is much confusion and greater clarity is needed.”³²⁵

Patchy government transparency

Scrutiny of embedded troops

Internal mechanisms for overseeing the sharing of UK capabilities with allies do exist. As Fallon explains: “Ministerial approval is required for UK embeds to deploy with allied forces on operations” before each new deployment.³²⁶ For example, Fallon’s “predecessor gave approval for embeds with American forces to participate when they were due to be deployed” and then he “gave a similar approval in the autumn of last year, and ... subsequent approval when the Canadian forces were deployed earlier this spring.”³²⁷

Experts claim that governments “will have negotiated in advance how pilot exchange schemes will work in the event of a unit being sent on operations.”³²⁸ It was also reported that “[t]he MoD agrees each deployment and continually monitors the permissions granted to embedded troops.”³²⁹ The Prime Minister’s Spokesperson also confirmed that Cameron “was aware that UK personnel were involved in US operations and what they were doing.”³³⁰

In terms of transparency over these operations, Fallon has said that while “it has been standard practice not to publicise

the placing of embeds with other countries’ forces”, the UK government “will always confirm details if and when asked to do so.”³³¹ He pointed to the government’s past replies to “a number of parliamentary questions asking for details of embedded forces” as proof of this.³³² After it was discovered UK embeds were operating in Syria, Fallon committed “to increased transparency by publishing an annual update to the House on embedded personnel.”³³³ Table 1 shows the first and only such update; it shows the number of UK personnel embedded on 30th November 2015.³³⁴ A few months later, the MOD released the number of UK troops embedded on the 31st March 2016 in its annual report and promised to release more later this year - however nothing else appears to have been released so far.

However, the annual update provides very little information, and has been criticised for being “hopelessly vague.”³³⁵ For example it is unclear what it means operationally if troops are embedded in Coalition HQs. Moreover, the information represents a snapshot of the number of troops embedded on one day meaning it provides no insight into the continuation or trends of these operations.

On the release of these details Fallon claimed that “[f]or operational and personal security reasons the information that can be routinely released is limited.”³³⁶ Jennifer Gibson said: “This is a long way from

Table 1: UK government’s annual report on UK embedded troops

Host nation / headquarters	Embedded HQ staff	Embedded exchange officers
Australia	-	2
Canada	-	2
France	3	5
New Zealand	-	3
Spain	-	1
United States of America	13	17
Coalition HQs	94	-
EU HQs	18	-
NATO HQs	9	-
UN HQs	10	-
Total	147	30

real transparency. It is impossible to tell what operations or even what countries these personnel are active in, making this information almost worthless.³³⁷ Lord Touhig, Shadow Spokesperson for Defence, noted that for the “the large majority of them, 94, in coalition HQs” Parliament does “not even know where they are, yet they are under the command of the power of another country who can commit them to conflict and Parliament has not even been told.”³³⁸

There is also limited opportunity for Parliament to scrutinise potential deployments. Andrew Slaughter MP asked, during a debate, whether the government would halt the number of embeds “until [a] vote [on Syria] has taken place”, to which Defence Secretary Michael Fallon answered “[s]o far as any further vote in the House is concerned, no, we do not have a specific timetable.”³³⁹

Attempts to get more information about the operations of embeds have not brought many fruitful results. When asked in a Reprive FOI request whether UK personnel had been involved in strikes, the MOD said: “The UK does not hold information on the specific location or number of air strikes/ISR [intelligence, surveillance and reconnaissance] sorties conducted by embedded personnel.”³⁴⁰ In response to a Drone Wars UK’s FOI in 2014 the Government, stated: “I am withholding information about weapons released by UK personnel embedded with the United States Air Force on operations in Afghanistan and Libya.”³⁴¹ As Reprive noted, with regards to an FOI investigating the role of UK embeds in US forces operating in Pakistan, “MoD’s refusal to clarify appears at odds with comments made by [Fallon], who has said that ‘if we are asked to give details’ about UK personnel embedded with other countries ‘we, of course, do so.’”³⁴²

Fallon argued in a debate on 20th July 2015 “we do not publicise the embedding because these are operations of other countries.” When asked why the issue of embedding troops in Syria was not brought before Parliament, Fallon said: “There are no UK military strikes in Syria, but I have explained to the House that where our personnel are embedded with other forces, they are participating in those countries’ operations

that are approved by their procedures and Parliaments.”³⁴³ This sentiment was repeated in April last year when, in a statement, Fallon argued: “The [War Powers] Convention does not apply to British military personnel embedded in the Armed Forces of other nations as they operate as if they were the host nation’s personnel.”³⁴⁴

Oversight of intelligence-sharing

In contrast to the continuing lack of transparency over embeds in combat roles, in recent years there has been some opening up of intelligence activities, including the creation of the ISC, the adoption of more open recruiting procedures, the public-facing role of agency heads, and the publication of their official histories.³⁴⁵ The UK government also argues that intelligence-sharing activities are subject to comprehensive oversight. For example, the Minister of State for Foreign Affairs, Hugh Robertson MP, has stated “the UK’s intelligence sharing with the US is undertaken within a robust legal framework, and is subject to rigorous ministerial, parliamentary and judicial oversight.”³⁴⁶

Ministerial oversight is provided by the overseeing Cabinet Minister, which for the SIS and GCHQ is the Secretary of State for Foreign and Commonwealth Affairs. Staff at these agencies are accountable to its head, who is held accountable by the Foreign Secretary.³⁴⁷ This is done through one-on-one meetings³⁴⁸ and escalating concerns and approval for certain operations.³⁴⁹ Sawers spoke of the workings of this relationship in 2010 when he said:

*“I answer directly to the Foreign Secretary... When our operations require legal authorisation or entail political risk, I seek the Foreign Secretary’s approval in advance. If a case is particularly complex, he can consult the Attorney General. In the end, the Foreign Secretary decides what we do... Submissions for operations go to the Foreign Secretary all the time. He approves most, but not all, and those operations he does not approve do not happen. It’s as simple as that.”*³⁵⁰

The Joint Intelligence Committee (JIC) also provides high-level oversight and advises ministers. JIC sits within the Cabinet Office,

under the authority of the Secretary of the Cabinet, and its permanent members are from other governmental bodies, including the Foreign & Commonwealth Office, the MOD and the intelligence agency heads.³⁵¹ The Committee advises policy makers on the “priorities for intelligence gathering”, as well as “assessing the results.”³⁵² While its remit is primarily focussed on monitoring and assessing potential threats to the UK, it does provide “oversight of the intelligence community’s analytical capability through the Professional Head of Intelligence Analysis.”³⁵³ Its assessments also feed into the NSC.³⁵⁴

These NSC meetings provide inter-departmental and executive oversight. It is chaired by the Prime Minister and is “the main forum for collective discussion of the government’s objectives for national security.”³⁵⁵ It works to “coordinate and deliver the government’s international security agenda”, and decide upon the strategic direction of British foreign, defence and security policy.³⁵⁶ As Sawers said in a speech outlining the workings of SIS in 2010: “Ministers tell us what they want to know, what they want us to achieve. We take our direction from the National Security Council.”³⁵⁷ The NSC can discuss even the most sensitive of operations and relationships and so provides a vehicle and forum for such discussions at the top level of government, which was arguably missing before.³⁵⁸

Judicial oversight used to be provided by intelligence commissioners. There are two intelligence commissioners (Intelligence Services Commissioner, Sir John Goldring,³⁵⁹ and the Interception of Communications Commissioner, Sir Stanley Burnton³⁶⁰), who are former judges appointed by the Prime Minister to, among other things, “keep under review the exercise and performance of the powers and duties imposed on the intelligence services.”³⁶¹

The heads of intelligence agencies have stressed the power commissioners have. Sir Iain Lobban former Director of GCHQ, said he talked to the commissioners “about [GCHQ] methods.”³⁶² Sawers also argued that the commissioners “have full access to our files ... [and] ... make sure our

procedures are proper and lawful.”³⁶³ The remit of these commissioners is limited to legality, often meaning the bulk of decisions are granular judgements about very specific issues. Nevertheless, a number of commentators commended the former Intelligence Service Commissioner, Sir Mark Waller’s, willingness to criticise Government in the Supplementary to his Annual Report in 2015.³⁶⁴

Unfortunately, the role of Intelligence Service Commissioner was abolished under the Investigatory Powers Bill (IPB), with its responsibilities being taken over by the Investigatory Powers Commissioner.³⁶⁵ This new position (which will be held by Lord Justice Fulford) will be responsible for overseeing how the new powers given to the law enforcement, security and intelligence agencies are used.³⁶⁶ David Anderson Q.C, the former Independent Reviewer of Terrorism Legislation, is optimistic that the new “beefed-up Investigatory Powers Commission” (which the commissioner will sit at the top of) will “undoubtedly wish to scrutinise very carefully the arrangements that are put in place for the sharing of data with overseas authorities.”³⁶⁷

Anderson himself has provided important oversight. His position allows a high level of access, which he claims is “impressive, and has few parallels in other countries.”³⁶⁸ With this access he has written reports and recommendations on terrorism legislation;³⁶⁹ for example, he made recommendations for the new Investigatory Powers Bill (IPB) – including on the nature of intelligence-sharing.³⁷⁰ Many of these recommendations were adopted into the final IPB. He has recently been replaced by Max Hill Q.C., so time will tell how this changes the dynamics of the role.³⁷¹

Nevertheless, some improvements in transparency and accountability have felt rather forced. For example, following public, parliamentary and media pressure after the UK’s involvement in the US rendition and torture programmes was revealed,³⁷² Reprieve sued the British government to publish its “torture policy” and “under court pressure” it published the Consolidated Guidance to Intelligence Officers and Service Personnel on the Detention and Interviewing

of Detainees Overseas, and on the Passing and Receipt of Intelligence Relating to Detainees.³⁷³

The Consolidated Guidance itself is an excellent example of the type of transparency over the UK's intelligence operations that can be achieved – albeit under huge pressure.³⁷⁴ It makes efforts to provide intelligence and military personnel “with some much-needed certainty [on] the principles which govern the interviewing of detainees overseas and the passing and receipt of intelligence relating to detainees.”³⁷⁵ Importantly, as Waller states, it also clearly states that: “If ministers ultimately conclude that there is a serious risk of torture which cannot be adequately mitigated, they will not be able to authorise the contemplated action and maintain compliance with the absolute prohibition on such conduct.”³⁷⁶ Having something similar on the principles governing UK intelligence-sharing as part of the US' controversial drone strike programme would do much to alleviate concerns about the legal implications of the UK's ‘hand in glove’ approach.

The role of the Intelligence and Security Committee

The ISC is the only parliamentary committee to have members who are security cleared, and it provides parliamentary oversight (albeit often in closed hearings) of the intelligence agencies.³⁷⁷ Its establishment in 1994 was an important step forward in intelligence agency accountability in the UK, bringing the agencies out of the shadows and giving them more of a public platform.

There have been some attempts to address early criticisms that it was too close to government³⁷⁸ and lacked “sufficient knowledge of the operational work of the Agencies”³⁷⁹ to wish to challenge them. In 2013 the Justice and Security Act increased its remit to “the wider Government intelligence community (beyond the three security and intelligence agencies)” and gave it “retrospective oversight of the operational activities of the Agencies on matters of significant national interest.” In addition, it gained the ability to demand information “subject only to a veto by the Secretary of State”,³⁸⁰ and the system was changed for appointing members so that instead of being

handpicked by the Prime Minister, members must be approved by Parliament.³⁸¹ The budget of the ISC was doubled in the same year, to £1.3 million.³⁸²

However, even in the face of improving oversight it is clear that significant issues still remain. For example, in the Supplementary to his annual report, Waller said that when investigating the death of Lee Rigby, both he and the ISC found that the SIS had “a troubling tendency to be defensive and unhelpful, it provided inaccurate and incomplete information and generally sought to “fence” with and “close down” lines of inquiry, rather than engage constructively.”³⁸³ While Waller said he did not believe this was done maliciously he said the effects were “significant and unsatisfactory.”³⁸⁴

This is especially problematic when the work of intelligence agencies must remain secret. This means the bodies overseeing them are dependent on them providing all the information; if intelligence agencies are not doing this, then the overseeing mechanisms will not work properly. As noted earlier, Jaffey has expressed concern that a judge giving a “yes” or “no” answer, who is dependent on intelligence from the organisations it oversees and lacks anyone to provide an adversarial opinion will struggle to make a fully thought out judgement.³⁸⁵

Waller also stated that, during his investigation into Lee Rigby's murder, the SIS was less willing to engage with the ISC's investigation into the soldier's death than with his own, he said the SIS:

“...have a duty to work with persons reporting on them ...and adopt a constructive and expansive approach to their investigations which answers the spirit, as well as the letter, of questions and which seeks to illuminate the surrounding landscape and other possible lines of enquiry. I believe that SIS takes such an approach when I carry out my inspections, but that it has failed to act in the same way when engaging with the ISC inquiry.”³⁸⁶

This adds to continued questions around the ISC's ability to hold government to account, even in light of the reforms. *The Economist* argues that “[u]nlike its counterparts in America's Congress, it has a small staff,

and it has failed to make much impact.”³⁸⁷ Intelligence expert Anthony Glees also argues the ISC still needs a bigger research staff.³⁸⁸ Sean Kippin concluded that the ISC “remains an imperfect and very limited body for the regulation of the large, powerful, and secretive intelligence services. Despite recent reforms ... it is still a body over which the government and Prime Minister exercise an enormous amount of influence.”³⁸⁹

The release of the ISC’s report on the Reyaad Khan case will be an important test; however, claims by *The Times*, in February 2017, that the ISC was “dissatisfied” with the information it had been provided on the strike are not promising.³⁹⁰

There is also reason to believe that the ISC has unhelpfully monopolised intelligence issues; in 2003 when the Foreign Affairs Committee was undertaking its investigation into the government’s decision to go to war in Iraq, it noted that it had enjoyed better access to intelligence material and agents in inquiries before the creation of the ISC.³⁹¹ Moreover, it was frequently being denied access to information “on the grounds that Parliamentary scrutiny of those agencies is carried out by the ISC.”³⁹²

Neither confirm nor deny

Finally, it is unclear how oversight bodies are able to review activities that the government denies it is a part of. For example, in 2012, Rehman Chishti MP attempted to find out more about the government’s role in US strikes in Yemen and said he found “a cloud of secrecy” even for “basic answers in relations to policy, criteria” and rules governing the exchange of intelligence with the US.³⁹³ In 2014 (when the UK were playing a pivotal role in the US drone campaign in Yemen)³⁹⁴ Hugh Robertson MP, said “drone strikes against terrorist targets in Yemen are a matter for the Yemeni and US governments.”³⁹⁵ The same year, when Tom Watson MP asked the Foreign Secretary if he would reassess the UK’s intelligence-sharing relationship with the US in light of its “targeted killing...outside Afghanistan” Robertson retorted that “[i]t is a long-standing policy not to comment on intelligence matters.”³⁹⁶

When the Snowden documents raised questions over the government’s role in drone strikes in Yemen and Pakistan in June 2015, the government simply said: “It is the longstanding policy of successive UK governments not to comment on intelligence operations... We expect all states concerned to act in accordance with international law and take all feasible precautions to avoid civilian casualties when conducting any form of military or counter-terrorist operations.”³⁹⁷ Similarly, in 2016, when faced with revelations about Menwith Hill, GCHQ cited a “long standing policy that we do not comment on intelligence matters.”³⁹⁸

Whilst giving evidence to the Bundestag, Richard Aldrich, Professor of International Security at the University of Warwick, recounted an incident when an intelligence agent, worried about the legality of providing intelligence to a country in West Africa, had asked to see the Memorandum of Understanding between the two countries; however, the agreement could not be found.³⁹⁹ If these cannot be readily found within the agencies themselves, it is unclear how easily they can be found when required by oversight bodies.

Conclusions

Embedding troops in foreign forces and sharing intelligence are both important activities but both can present a number of difficulties if not subject to the appropriate level of transparency and accountability.

The fact that British personnel were able to actively engage in a number of conflicts through these methods with minimal scrutiny could have a detrimental impact on the effectiveness, accountability and legitimacy of UK operations abroad. Clarifying the policies under which exchange of embeds and intelligence happens, as well as clarifying how certain dangers are mitigated would be welcome steps forward. The government has already shown that this can be done by producing the Consolidated Guidance on torture, which, though imperfect, lays out its commitment to international law and pushes officials to identify and mitigate risks.

Conclusion: greater secrecy is not always good strategy

As the Birmingham Policy Commission concluded at the end of its ground-breaking review of the security impact of drones:

“...there is one theme that has recurred in all our deliberations as a Commission... it is the need for clearer, more forthcoming public communication and transparency on the part of the UK government, and the MoD in particular. Without this, the essential and immediate groundwork for the long-term policy choices... cannot be laid.”¹⁴⁰⁰

There are currently limited opportunities to scrutinise UK strategy, judge the success or failure of policies, evaluate the needs of military personnel, or suggest alternatives when there is little official information in the public domain about what the government is doing. This may well seem like an advantage, as it offers the government a certain amount of flexibility when making difficult choices about how to confront the complex security threats that the UK faces. However, as much of the analysis in this report has shown, the insistence on blanket opacity when it comes to many forms of remote warfare seems increasingly untenable, and of shrinking strategic advantage in a climate where winning wars appears increasingly dependent on winning narratives.

Refusing to be transparent about the UK's military action overseas even once there is reasonable information in the public domain may serve to fuel the popular feelings of distrust and risk-aversion that the secrecy surrounding much of remote warfare seems designed to circumvent. Despite the fact that opacity is permitted under current rules, it can appear disingenuous to deny the scale of British involvement in conflicts overseas, even against the backdrop of information leaks and media coverage. This could increase mistrust between the government and parliamentarians who feel they are being misled, and that they are unable to properly scrutinise government strategy at a crucial time for national security.

For example, the claim that the UK has no boots on the ground in places like Libya and Syria even while there is a steady feed of information surfacing in the media of UK Special Forces conducting combat operations alongside their local allies. Or the fact that the UK is present in the operations room for Saudi strikes against Yemen and that the government is satisfied that continuing to sell arms is legitimate, but that it has no responsibility for the actions of the Coalition when human rights abuses are widely reported. Or the impression that the government would respect the defeat of the parliamentary vote on military action in Syria, only for information to surface that UK embedded troops had been carrying out strikes under US command.

There is of course a balance that needs to be struck between the need for secrecy to provide security and the need to open up the choices of government to scrutiny and debate. However, current policies do not seem up to the challenge of dealing with the ways in which warfare is changing, let alone the rapidly expanding access to information that is quickly eroding governments' abilities to guarantee secrecy when they intervene in a conflict.

One major scandal could result in huge restrictions being placed on the UK's wider engagement abroad, as could a steady drip of media information that raises suspicions and fuels accusations of government deception. With secretive yet growing military commitments to counter threats from groups like ISIS in Iraq, Syria and Libya, or al-Shabaab in Somalia, or al-Qaeda in Yemen, now is the time for the government to step up and level with the public about what it is doing. Not only because that is the right thing to do, but because it is necessary.

Policy recommendations

Armed drones

- In line with best practice from the US and Israel, the government should publish its policy surrounding its use of targeted killings, including:
 - The non-state groups that are considered legitimate targets.
 - The criteria used in the selection of targets and precautions incorporated in such criteria.
 - The authority or decision-making chain.
 - Information regarding the legal frameworks (including UK and international laws and policies) that the government applies to specific situations in which an armed drone may be used for targeted killings.
 - What, and whether, right of recourse exists in the case of erroneous targeting.
 - Whether other methods are automatically exhausted before the use of lethal force (e.g. capture).
 - Whether there are special measures in place for lethal strikes against UK citizens.
- The government should formalise the automatic post-strike scrutiny of intelligence by the ISC when the UK undertakes strikes for targeted killing.
 - This should be accompanied by a clear declaration of the grounds for the government to withhold information from the ISC that may be relevant to its investigations, and whether the ISC has the right to appeal.
 - This should also be accompanied by a clear commitment to announce such strikes publicly, as was done in the case of the lethal strike against Reyaad Khan.

Special Forces

- The no comment policy on Special Forces should be amended so that the government can provide unclassified briefings that would not reasonably endanger any operation or personnel.
- Special Forces should be overseen by a parliamentary committee
 - Currently, the only committee with both the trust and the security clearances to be briefed on Special Forces is the ISC, which is a logical fit for some but perhaps not all aspects of Special Forces activity.
 - However, were the government to relax the no comment policy to allow unclassified briefings on Special Forces to be released, this information could form the basis for scrutiny by the Defence and the Foreign Affairs Committees as appropriate
- In line with practice for the intelligence agencies, Special Forces should be assigned a press officer authorised to engage with the media D-Notice system, allowing journalists to verify stories and prevent the publication of information that may be harmful to operations.
- The government should clarify the force structure of British Special Forces, including the conditions under which SFSG, the Special Reconnaissance Regiment and the new Special Infantry Battalions fall under the command of the Director of Special Forces and are subject to the same no comment policy, and whether armed drones operating in support of Special Forces would also be exempt from disclosure.
- The government should clarify what, if any, NSC oversight of Special Forces activities exists outside of declared operations such as during Operation Ellamy in Libya in 2011.

Embedded troops

- The government should clarify the terms under which embedded personnel are authorised to take part in the active combat operations of allies. We have seen (in the case of Syria) that this is possible, but we have also seen (in the case of Vietnam) that this is sometimes denied.
 - In line with other combat deployments of regular personnel, the deployment of embedded military personnel into combat situations, or in support of combat operations, should be subject to the War Powers Convention.
- In line with the government's own commitment, details about the number, purpose, and locations of embedded military personnel should be published every year and should be made available on request to parliamentarians. Future updates should include:
 - The role/purpose of the personnel deployed
 - Where they have been deployed (including the countries of the 'Coalition HQs' they are embedded in)
 - Aggregate statistics for the year, rather than a snapshot of statistics for one day

Intelligence-sharing

- There should be clarification over how Memorandums of Understanding between the UK and other nations are overseen and how human rights and other risks arising from partnerships are mitigated.
- As in the case of the Consolidated Guidance to Intelligence Officers and Service Personnel on the Detention and Interviewing of Detainees Overseas, and on the Passing and Receipt of Intelligence Relating to Detainees, the government should release a Consolidated Guidance on the provision of intelligence for allied drone strikes.
- The government should clarify how the Investigatory Powers Commissioner will take over the roles and responsibilities of the Intelligence Commissioner – specifically with regards to the Consolidated Guidance to Intelligence Officers and Service Personnel on the Detention and Interviewing of Detainees Overseas, and on the Passing and Receipt of Intelligence Relating to Detainees.

Endnotes

1 “Defence in the Media: 17 April 2016 | Defence in the Media,” accessed April 20, 2016, <https://modmedia.blog.gov.uk/2016/04/17/defence-in-the-media-17-april-2016/>; “Defence in the Media: 19 April 2016 | Defence in the Media,” accessed April 20, 2016, <https://modmedia.blog.gov.uk/2016/04/19/defence-in-the-media-19-april-2016/>.

2 “House of Commons - Libya: Examination of Intervention and Collapse and the UK’s Future Policy Options - Foreign Affairs Committee,” para. 122, accessed September 14, 2016, <http://www.publications.parliament.uk/pa/cm201617/cmselect/cmaff/119/11902.htm>.

3 Chris Hughes, “Special Forces Spearheading ‘Secret War’ against ISIS in Libya,” *Mirror*, February 25, 2016, <http://www.mirror.co.uk/news/uk-news/special-forces-spearheading-secret-war-7443338>.

4 Randeep Ramesh, “SAS Deployed in Libya since Start of Year, Says Leaked Memo,” *The Guardian*, March 25, 2016, sec. World news, <http://www.theguardian.com/world/2016/mar/25/sas-deployed-libya-start-year-leaked-memo-king-abdullah>.

5 Yasmin Qureshi, “Enough with Britain’s Secret Wars,” *New Statesman*, May 17, 2016, <http://www.newstatesman.com/politics/staggers/2016/05/enough-britain-s-secret-wars>.

6 Crispin Blunt MP, “Letter from the Foreign Affairs Committee to the Foreign Secretary,” April 12, 2016, <https://www.parliament.uk/documents/commons-committees/foreign-affairs/Correspondence/2015-20-Parliament/160412-Letter-to-Foreign-Secretary-on-Libya.pdf>.

7 Claire Mills, “Research Briefings - Parliamentary Approval for Military Action,” December 5, 2015, <http://researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-7166#fullreport>.

8 Matthew Smith, “Leave Voters Are Less Likely to Trust Any Experts,” *YouGov: What the World Thinks*, February 17, 2017, <http://yougov.co.uk/news/2017/02/17/leave-voters-are-less-likely-trust-any-experts-eve/>.

9 Etienne de Durand, “France,” in *Understanding Counterinsurgency: Doctrine, Operations, and Challenges*, ed. Thomas Rid and Thomas Keaney (London, New York: Routledge, 2010), 25.

10 George Bush, “Text of George Bush’s Speech,” *The Guardian*, September 21, 2001, sec. US news, <https://www.theguardian.com/world/2001/sep/21/september11.usa13>.

11 “Authorization for Use of Military Force,” Pub. L. No. 115 STATUTE 224, PUBLIC LAW 107-40-SEPT. 18, 2001 (2001), <https://www.gpo.gov/fdsys/pkg/PLAW-107publ40/pdf/PLAW-107publ40.pdf>.

12 Barack Obama “Remarks by the President at the National Defense University,” Whitehouse.gov, May 23, 2013, <https://www.whitehouse.gov/the-press-office/2013/05/23/remarks-president-national-defense-university>.

13 “The Legal Framework for the United States’ Use of Military Force Since 9/11,” U.S. Department of Defense, accessed October 14, 2016, <http://www.defense.gov/News/Speeches/Speech-View/Article/606662/the-legal-framework-for-the-united-states-use-of-military-force-since-911>.

14 Joint Committee on Human Rights, “The Government’s Policy on the Use of Drones for Targeted Killing,” May 10, 2016, 50, <http://www.publications.parliament.uk/pa/jt201516/jtselect/jtrights/574/574.pdf>.

15 “The Legal Framework for the United States’ Use of Military Force Since 9/11.”

16 Shiv Malik et al., “Ruhul Amin and Reyaad Khan: The Footballer and the Boy Who Wanted to Be First Asian PM,” *The Guardian*, September 7, 2015, sec. World news, <https://www.theguardian.com/world/2015/sep/07/british-isis-militants-killed-raf-drone-strike-syria-reyaad-khan-ruhul-amin>.

17 Harriet Alexander, “Jihadi John ‘Dead’: MI5 on Alert amid Fears of Isil Revenge Attack - as It Happened,” *The Telegraph*, November 14, 2015, sec. World, <http://www.telegraph.co.uk/news/worldnews/islamic-state/11994992/jihadi-john-mohammed-emwazi-dead-syria-latest-news.html>; Claire Phipps, Patrick Wintour, and Justin McCurry, “‘High Degree of Certainty’ That US Strike Killed Mohammed Emwazi,” *The Guardian*, November 13, 2015, sec. UK news, <https://www.theguardian.com/uk-news/2015/nov/13/us-air-strike-targets-mohammed-emwazi-uk-terrorist-known-as-jihadi-john>.

18 Emma Graham-Harrison, “British and US Military ‘in Command Room’ for Saudi Strikes on Yemen,” *The Guardian*, January 15, 2016, <http://www.theguardian.com/world/2016/jan/15/british-us-military-in-command-room-saudi-strikes-yemen>.

19 “UK Troops Working with US Military at Base for Yemen Drone Operations”, *Informazione Dal Medio Oriente: Information from Middle East*, accessed May 9, 2016, <http://www.uruknet.info/?p=m107003>.

20 Emily Knowles, "Britain's Culture of No Comment", Remote Control Project, July 2016, <http://remotecontrolproject.org/publications/britains-culture-of-no-comment/>.

21 Patrick Wintour, "Multicultural Britain Rejecting Foreign Conflict, MoD Admits," The Guardian, January 23, 2014, sec. UK news, <https://www.theguardian.com/uk-news/2014/jan/22/multicultural-britain-foreign-conflict-mod>; Patrick Wintour, "British Foreign Policy Must Emerge from Shadow of Iraq, Argues Hilary Benn," The Guardian, December 21, 2015, sec. Politics, <https://www.theguardian.com/politics/2015/dec/21/british-foreign-policy-must-emerge-from-shadow-of-iraq-argues-hilary-benn>; Milne, "A 'Pause' in Centuries of British Wars Is Not Enough," The Guardian, February 12, 2014, sec. Opinion, <https://www.theguardian.com/commentisfree/2014/feb/12/pause-centuries-british-wars-elite-panicking>; Ewen MacAskill and Ian Cobain, "British Forces' Century of Unbroken Warfare Set to End with Afghanistan Exit," The Guardian, February 11, 2014, sec. UK news, <https://www.theguardian.com/uk-news/2014/feb/11/british-forces-century-warfare-end>; Tara McCormack, "The Emerging Parliamentary Convention of British Military Action and Warfare by Remote Control," The RUSI Journal 161, no. 2 (2016), <http://dx.doi.org/10.1080/03071847.2016.1174479>; Rory Cormac, "Disruption and Deniable Interventionism: Explaining the Appeal of Covert Action and Special Forces in Contemporary British Policy (Unpublished)," International Relations, 2016, <http://eprints.nottingham.ac.uk/34345/1/AAM%20Disruption%20and%20Deniable%20Interventionism%20International%20Relations%2021%206%202016.pdf>.

22 "Syria Crisis: Cameron Loses Commons Vote on Syria Action," BBC News, August 30, 2013, sec. UK Politics, <http://www.bbc.co.uk/news/uk-politics-23892783>.

23 Jeremy Wright, "Attorney General's Speech at the International Institute for Strategic Studies," GOV.UK, January 11, 2017, <https://www.gov.uk/government/speeches/attorney-generals-speech-at-the-international-institute-for-strategic-studies>.

24 Ben Quinn, "MoD Study Sets out How to Sell Wars to the Public," The Guardian, September 26, 2013, sec. UK news, <https://www.theguardian.com/uk-news/2013/sep/26/mod-study-sell-wars-public>.

25 Peter Dominiczak, "David Cameron Promises to 'Beef Up' the SAS to Take the Fight to Isil," The Telegraph, October 3, 2015, sec. News, <http://www.telegraph.co.uk/news/politics/david-cameron/11909488/David-Cameron-promises-to-beef-up-the-SAS-to-take-the-fight-to-Isil.html>.

26 HMG, "Securing Britain in an Age of Uncertainty: The Strategic Defence and Security Review" (HM Government, 2010), 12, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/62482/strategic-defence-security-review.pdf.

27 HMG, "National Security Strategy and Strategic Defence and Security Review 2015: A Secure and Prosperous United Kingdom" (HM Government, November 2015), para. 2.12, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/478933/52309_Cm_9161_NSS_SD_Review_web_only.pdf.

28 HMG, "Securing Britain in an Age of Uncertainty: The Strategic Defence and Security Review," 16.

29 Paul Waugh "Chilcot Slams Blair - And His Cabinet - Over Iraq," The Huffington Post, http://www.huffingtonpost.co.uk/entry/sir-john-chilcot-tony-blair-iraq-public-trust-beyond-facts-psychological-dominance_uk_581a294ee4b08315783d68c6; "Sir John Chilcot Says Tony Blair Damaged Trust in Politics over Iraq," BBC News, November 2, 2016, sec. UK Politics, <http://www.bbc.co.uk/news/uk-politics-37845634>.

30 "Defence in the Media"; "Defence in the Media."

31 "British Troops Could Be Sent to Libya without a Commons Vote," The Independent, April 19, 2016, <http://www.independent.co.uk/news/uk/politics/british-troops-could-be-sent-to-libya-without-a-commons-vote-a6990676.html>.

32 UK MOD, "House of Commons: Written Statement (HCWS149)," July 20, 2015, <http://www.parliament.uk/documents/commons-vote-office/July%202015/20%20July/7-Defence-Embedded.pdf>.

33 "Syria Air Strikes Conducted by UK Military Pilots," BBC News, accessed April 20, 2016, <http://www.bbc.co.uk/news/uk-33562420>.

34 HMG, "Securing Britain in an Age of Uncertainty: The Strategic Defence and Security Review," 16.

35 "Who Will Fight the next War?," The Economist, October 24, 2015, <http://www.economist.com/news/united-states/21676778-failures-iraq-and-afghanistan-have-widened-gulf-between-most-americans-and-armed>.

36 Mike Giglio, "This Is What The U.S. War Against ISIS Really Looks Like," BuzzFeed, accessed August 18, 2016, <https://www.buzzfeed.com/mikegiglio/inside-the-real-us-ground-war-on-isis>.

37 “Blair Wins War Backing amid Revolt,” BBC News March 19, 2003, http://news.bbc.co.uk/1/hi/uk_politics/2862325.stm.

38 House of Lords Constitution Committee, “Constitutional Arrangements for the Use of Armed Force,” 2nd Report of Session 2013-14 (House of Lords, July 24, 2013), <http://www.publications.parliament.uk/pa/ld201314/ldselect/ldconst/46/46.pdf>; Claire Mills, “Parliamentary Approval for Military Action,” Briefing Paper (House of Commons, May 12, 2015), <http://researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-7166>; McCormack, “The Emerging Parliamentary Convention of British Military Action and Warfare by Remote Control.”

39 Mills, “Research Briefings - Parliamentary Approval for Military Action.”

40 BBC News, “Syria Crisis.”

41 Mills, “Research Briefings - Parliamentary Approval for Military Action.”

42 “Will British Combat Troops Be Deployed to Libya?,” The Week UK, accessed May 5, 2016, <http://www.theweek.co.uk/71872/will-british-combat-troops-be-deployed-to-libya>.

43 Ewen MacAskill, “Most UK Forces in Libya ‘Would Be There for Protection,’” The Guardian, May 5, 2016, <http://www.theguardian.com/uk-news/2016/may/05/uk-forces-libya-protection-training>.

44 “Sir John Chilcot Says Tony Blair Damaged Trust in Politics over Iraq.”

45 Ben Jaffey, “Hearing of British Experts on Edward Snowden’s Revelations,” Bundestag, (December 2016), <http://www.bundestag.de/>

46 Joint Committee on Human Rights, “The Government’s Policy on the Use of Drones for Targeted Killing,” May 10, 2016.

47 Emily Knowles, “We Need Greater Transparency on UK Military Operations in Libya”, Remote Control Project, May 2016), <http://remotecontrolproject.org/briefing-we-need-greater-transparency-on-uk-military-operations-in-libya/>.

48 “MPs Approve Motion on ISIL in Syria - News from Parliament,” UK Parliament, accessed June 17, 2016, <http://www.parliament.uk/business/news/2015/december/mps-debate-motion-on-isil-in-syria/>.

49 “Defence in the Media: 26 February 2016 | Defence in the Media,” accessed April 20, 2016, <https://modmedia.blog.gov.uk/2016/02/26/defence-in-the-media-26-february-2016/>.

50 UK MOD, “House of Commons: Written Statement (HCWS149),” July 20, 2015, <http://www.parliament.uk/documents/commons-vote-office/July%202015/20%20July/7-Defence-Embedded.pdf>.

51 Michael Fallon, “Letter from Secretary of Defence to Caroline Lucas MP,” October 6, 2016.

52 Philip Alston, “Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions” (United Nations, May 28, 2010), <http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.24.Add6.pdf>.

53 Ibid.

54 Daniel Byman, “Targeted Killing, American-Style,” Brookings Institution, January 20, 2006, <https://www.brookings.edu/opinions/targeted-killing-american-style/>.

55 Keith Patrick Dear, “Beheading the Hydra? Does Killing Terrorist or Insurgent Leaders Work?,” *Defence Studies* 13, no. 3 (September 1, 2013): 293–337, doi:10.1080/14702436.2013.845383.

56 Sascha-Dominik Bachmann, “Targeted Killings: Contemporary Challenges, Risks and Opportunities,” *Journal of Conflict and Security Law* 18, no. 2 (July 1, 2013): 259–88, doi:10.1093/jcsl/krt007.

57 Jonathan Masters, “Targeted Killings,” Council on Foreign Relations, May 23, 2013, <http://www.cfr.org/counterterrorism/targeted-killings/p9627>.

58 Ibid.

59 Dear, “Beheading the Hydra?”

60 Camilla Turner and Steven Swinford, “David Cameron ‘Knew British Pilots Were Bombing Syria’ - as It Happened, July 17, 2015,” July 17, 2015, sec. News, http://www.telegraph.co.uk/news/uknews/defence/11745689/British-pilots-in-air-strikes-against-Isil-in-Syria-live.html?WT.mc_id=e_DM32918&WT.tsrc=email&etype=Edi_Pol_New&utm_source=email&utm_medium=Edi_Pol_New_2015_07_17&utm_campaign=DM32918.

61 “UK Policy on Use of Drones for Targeted Killing Inquiry - News from Parliament,” UK Parliament, accessed April 13, 2016, <http://www.parliament.uk/business/committees/committees-a-z/joint-select/human-rights-committee/news-parliament-2015/uk-drone-policy-evidence-15-16/>.

62 “Defence in the Media: 13 September 2015 | Defence in the Media,” GOV.UK, September 13, 2015, <https://modmedia.blog.gov.uk/2015/09/13/defence-in-the-media-13-september-2015/>.

63 “UK Policy on Use of Drones for Targeted Killing Inquiry - News from Parliament.”

64 “British PM Cameron to Double Drone Fleet to Fight ISIL,” April 10, 2015, <http://www.aljazeera.com/news/2015/10/uk-pm-cameron-doubles-drone-fleet-fight-isil-151004143137158.html>.

65 Parliament, “House of Commons Debates for 26 Sep 2014,” Hansard Debate, September 26, 2014, <https://www.publications.parliament.uk/pa/cm201415/cmhansrd/cm140926/debtext/140926-0001.htm>.

66 Mills, “Parliamentary Approval for Military Action”; “Surveillance Missions over Syria Confirmed - News Stories - GOV.UK,” accessed August 26, 2016, <https://www.gov.uk/government/news/surveillance-missions-over-syria-confirmed>.

67 Louisa Brooke-Holland, “Research Briefings - Overview of Military Drones Used by the UK Armed Forces” (House of Commons, October 8, 2015), <http://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN06493#fullreport>.

68 Nehal Bhuta, “On Preventive Killing,” EJIL: Talk!, September 17, 2015, <http://www.ejiltalk.org/on-preventive-killing/>.

69 “House of Commons Hansard Debates for 7 Sep 2015,” Hansard Debates, (September 7, 2015), <http://www.publications.parliament.uk/pa/cm201516/cmhansrd/cm150907/debtext/150907-0001.htm>.

70 “British PM Cameron to Double Drone Fleet to Fight ISIL.”

71 “Government Memorandum to the JCHR,” accessed August 5, 2016, http://www.parliament.uk/documents/joint-committees/human-rights/Government_Memorandum_on_Drones.pdf.

72 Joint Committee on Human Rights, “Second Oral Evidence: The UK Government’s Policy on the Use of Drones for Targeted Killing,” December 16, 2015, <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/human-rights-committee/the-uk-governments-policy-on-the-use-of-drones-for-targeted-killing/oral/27633.html>.

73 Joint Committee on Human Rights, “The Government’s Policy on the Use of Drones for Targeted Killing: Government Response to the Committee’s Second Report of Session 2015–16” (House of Commons and House of Lords: House of Commons, October 19, 2016), <http://www.publications.parliament.uk/pa/jt201617/jtselect/jtrights/747/747.pdf>.

74 Nicholas Watt, “Cameron Criticised for Not Giving ISC Full Access to Syria Intelligence,” The

Guardian, January 12, 2016, sec. Politics, <http://www.theguardian.com/politics/2016/jan/12/david-cameron-criticised-harriet-harman-intelligence-security-committee-access-syria>.

75 Ibid.

76 Ibid.

77 Richard Kerbaj and Tim Shipman, “Spies Told to Come Clean on Cameron’s Order to Kill,” The Times, (February 19, 2017), <http://www.thetimes.co.uk/article/spies-told-to-come-clean-on-camerons-order-to-kill-ppfnlwsdd>.

78 Wright, “Attorney General’s Speech at the International Institute for Strategic Studies.”

79 Alex Batesmith, “Written Evidence - Mr Alex Batesmith,” November 13, 2013, <http://data.parliament.uk/WrittenEvidence/CommitteeEvidence.svc/EvidenceDocument/Human%20Rights%20Joint%20Committee/The%20UK%20Governments%20policy%20on%20the%20use%20of%20drones%20for%20targeted%20killing/written/24437.html>.

80 Owen Bowcott, “‘Specific’ Terror Evidence Not Necessary for RAF Drone Strikes,” The Guardian, January 11, 2017, sec. World news, <https://www.theguardian.com/world/2017/jan/11/raf-drone-strikes-terror-attorney-general>.

81 Tom Watson, “Islamic State: Written Question - 213744,” UK Parliament, November 6, 2014, <http://www.parliament.uk/written-questions-answers-statements/written-question/commons/2014-11-06/213744>.

82 Angus Robertson, “Islamic State: Written Question - 209771,” UK Parliament, September 26, 2014, <http://www.parliament.uk/written-questions-answers-statements/written-question/commons/2014-09-26/209771>.

83 Catherine West, “Libya: Unmanned Air Vehicles: Written Question - 26773,” UK Parliament, February 10, 2016, <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2016-02-10/26773/>.

84 Mike Penning, “Middle East: Unmanned Air Vehicles: Written Question - 45011,” UK Parliament, September 5, 2016, <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2016-09-05/45011>.

85 Joint Committee on Human Rights, “First Oral Evidence: The UK Government’s Policy on the Use of Drones for Targeted Killing, HC 574,” December 9, 2015, <http://data.parliament.uk/writtenevidence/committeeevidence.svc/>

evidencedocument/human-rights-committee/the-uk-governments-policy-on-the-use-of-drones-for-targeted-killing/oral/25787.html.

86 Parliament, "House of Commons Debates for 07 Sep 2015," accessed April 14, 2016, <http://www.publications.parliament.uk/pa/cm201516/cmhansrd/cm150907/debtext/150907-0001.htm#1509074000002>.

87 UK Permanent Representative to UN, "Letter Dated 7 September 2015 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations Addressed to the President of the Security Council," United Nations, September 8, 2015, http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2015_688.pdf.

88 "Government Memorandum to the JCHR."

89 Noelle Quenivet and Aurel Sari, "Written Evidence - Dr Noelle Quenivet," November 2015, <http://data.parliament.uk/WrittenEvidence/CommitteeEvidence.svc/EvidenceDocument/Human%20Rights%20Joint%20Committee/The%20UK%20Governments%20policy%20on%20the%20use%20of%20drones%20for%20targeted%20killing/written/24475.html>.

90 Joint Committee on Human Rights, "First Oral Evidence: The UK Government's Policy on the Use of Drones for Targeted Killing, HC 574."

91 Joint Committee on Human Rights, "The Government's Policy on the Use of Drones for Targeted Killing," May 10, 2016; William Boothby, "Written Evidence - Dr William Boothby," November 9, 2015, <http://data.parliament.uk/WrittenEvidence/CommitteeEvidence.svc/EvidenceDocument/Human%20Rights%20Joint%20Committee/The%20UK%20Governments%20policy%20on%20the%20use%20of%20drones%20for%20targeted%20killing/written/24286.html>.

92 Lynn Davis and Michael Greenberg, "Clarifying the Rules for Targeted Killing: An Analytical Framework for Policies Involving Long-Range Armed Drones" (RAND Corporation, 2016), http://www.rand.org/pubs/research_reports/RR1610.html.

93 "Written Evidence - Columbia Human Rights Clinic," November 26, 2015, <http://data.parliament.uk/WrittenEvidence/CommitteeEvidence.svc/EvidenceDocument/Human%20Rights%20Joint%20Committee/The%20UK%20Governments%20policy%20on%20the%20use%20of%20drones%20for%20targeted%20killing/written/25102.html>; Quenivet and Sari, "Written Evidence - Dr Noelle Quenivet"; Daragh Murray et al., Practitioners' Guide to

Human Rights Law in Armed Conflict (Oxford, New York: Oxford University Press, 2016).

94 Joint Committee on Human Rights, "The Government's Policy on the Use of Drones for Targeted Killing," May 10, 2016, <http://www.publications.parliament.uk/pa/jt201516/jtselect/jtrights/574/574.pdf>.

95 Joint Committee on Human Rights, "Second Oral Evidence: The UK Government's Policy on the Use of Drones for Targeted Killing."

96 Claire Mills, Ben Smith, and Louisa Brooke-Holland, "ISIS/Daesh: The Military Response in Iraq and Syria," Briefing Paper (House of Commons, May 24, 2016), 40, <http://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN06995#fullreport>.

97 PJHQ J9 FOI Secretariat, "Letter from MOD Regarding FOI," April 29, 2016, <https://dronewarsuk.files.wordpress.com/2016/05/20160429-foi2016-03828.pdf>.

98 Wright, "Attorney General's Speech at the International Institute for Strategic Studies."

99 Khalil Dewan, "British Drone Strike Policy: 'Confused and Confusing,'" Middle East Eye, May 11, 2016, <http://www.middleeasteye.net/columns/british-drone-strike-policy-confused-and-confusing-770224237>; Verity Adams, Alan Greene, and Adam Rooney, "The Legal Regulation of UAV Strikes Abroad: The Legality of UAV Strikes under International Humanitarian, International Human Rights and UK Constitutional Law," November 2015, <http://data.parliament.uk/WrittenEvidence/CommitteeEvidence.svc/EvidenceDocument/Human%20Rights%20Joint%20Committee/The%20UK%20Governments%20policy%20on%20the%20use%20of%20drones%20for%20targeted%20killing/written/24533.html>.

100 Batesmith, "Written Evidence - Mr Alex Batesmith."

101 "Written Evidence - Caroline Lucas MP," November 2015, <http://data.parliament.uk/WrittenEvidence/CommitteeEvidence.svc/EvidenceDocument/Human%20Rights%20Joint%20Committee/The%20UK%20Governments%20policy%20on%20the%20use%20of%20drones%20for%20targeted%20killing/written/24620.html>.

102 Joseph Savirimuthu, "Written Evidence - Mr Joseph Savirimuthu," September 13, 2015, <http://data.parliament.uk/WrittenEvidence/CommitteeEvidence.svc/EvidenceDocument/Human%20Rights%20Joint%20Committee/The%20UK%20Governments%20policy%20on%20the%20use%20of%20drones%20for%20>

targeted%20killing/written/24481.html.

103 Reprieve, "Written Evidence - Reprieve," November 2015, <http://data.parliament.uk/WrittenEvidence/CommitteeEvidence.svc/EvidenceDocument/Human%20Rights%20Joint%20Committee/The%20UK%20Governments%20policy%20on%20the%20use%20of%20drones%20for%20targeted%20killing/written/24555.html>.

104 Joint Committee on Human Rights, "Second Oral Evidence: The UK Government's Policy on the Use of Drones for Targeted Killing."

105 Arabella Lang, "Research Briefings - UK Drone Attack in Syria: Legal Questions," Commons Briefing papers, (October 20, 2016), 3, <http://researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-7332>.

106 The White House, "Report on the Legal and Policy Frameworks Guiding the United States' Use of Military Force and Related National Security Operations," December 2016, https://www.justsecurity.org/wp-content/uploads/2016/12/framework.Report_Final.pdf.

107 Marty Lederman, "President Obama's Report on the Legal and Policy Frameworks Guiding and Limiting the Use of Military Force [UPDATED]," Just Security, December 5, 2016, <https://www.justsecurity.org/35239/president-obamas-report-legal-policy-frameworks-guiding-united-states-military-force-related-national-security-operations/>.

108 Secretary of Defense, "Memorandum: Department of Defense Implementation of the Presidential Policy Guidance on 'Procedures for Approving Direct Action Against Terrorist Targets Located Outside the United States and Areas of Active Hostilities,'" December 1, 2013, https://www.aclu.org/sites/default/files/field_document/dod_implementation_of_presidential_policy_guidance.pdf.

109 Marty Lederman, "The Presidential Policy Guidance for Targeting and Capture Outside Afghanistan, Iraq and Syria," Just Security, August 6, 2016, <https://www.justsecurity.org/32298/presidential-policy-guidance-targeting-capture-afghanistan-iraq-syria/>.

110 Lederman, "President Obama's Report on the Legal and Policy Frameworks Guiding and Limiting the Use of Military Force [UPDATED]."

111 Ibid.

112 Steven David, "Israel's Policy of Targeted Killing," *Carnegie Council on Ethics and International Affairs* 17, no. 1 (2003): 111–26.

113 Ibid.

114 Gabriella Blum and Philip Heymann, "Law and Policy of Targeted Killing," *Harvard Law School National Security Journal*, June 27, 2010, <http://harvardnsj.org/2010/06/law-and-policy-of-targeted-killing-2/>.

115 Dear, "Beheading the Hydra?"

116 Ibid.

117 Shlomo Shpiro, "No Place to Hide: Intelligence and Civil Liberties in Israel," *Cambridge Review of International Affairs* 19, no. 4 (December 1, 2006): 629–48, doi: 10.1080/09557570601003361.

118 Nathalie Van Raemdonck, "Vested Interest or Moral Indecisiveness? Explaining the EU's Silence on the US Targeted Killing Policy in Pakistan" (*Istituto Affari Internazionali*, December 3, 2012), <http://citeserx.ist.psu.edu/viewdoc/>

119 Joint Committee on Human Rights, "The Government's Policy on the Use of Drones for Targeted Killing," May 10, 2016.

120 Jon Moran, "Assessing SOF Transparency and Accountability: The Use of Special Operations Forces by the UK, US, Australia, and Canada" (Remote Control Project, July 2016), <http://remoteproject.org/publications-category/reports/>.

121 HMG, "National Security Strategy and Strategic Defence and Security Review 2015: A Secure and Prosperous United Kingdom"; HM Treasury, "Spending Review and Autumn Statement 2015" (HM Treasury, November 2015), https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/479749/52229_Blue_Book_PU1865_Web_Accessible.pdf.

122 J. Paul de B. Taillon, *The Evolution of Special Forces in Counter-Terrorism: The British and American Experiences* (Westport: Praeger Publishers, 2001), 28.

123 "History of the SAS Regiment," accessed November 1, 2016, <http://www.sasregiment.org.uk/history-of-the-sas-regiment.html>.

124 Alastair Finlan, *Special Forces, Strategy and the War on Terror* (New York: Routledge, 2008), 6.

125 "SAS: Who Dares Wins," Channel 4, accessed October 24, 2016, <http://www.channel4.com/programmes/sas-who-dares-wins>.

126 Alexander Powell, "Advice from SOF on the Use of SOF for the Next Administration" (*CNA*, October 2016), 3, https://www.cna.org/CNA_files/PDF/DOP-2016-U-014394-Final.pdf.

- 127 Ibid.
- 128 Michele L. Malvesti, "To Serve the Nation: U.S. Special Operations Forces in an Era of Persistent Conflict" (CNAS, June 2010), 34, <https://www.cnas.org/publications/reports/to-serve-the-nation-u-s-special-operations-forces-in-an-era-of-persistent-conflict>.
- 129 Taillon, *The Evolution of Special Forces in Counter-Terrorism: The British and American Experiences*, 35.
- 130 UK Army, "Counter Insurgency Operations (Strategic and Operational Guidelines)," March 2007, para. 87, <https://file.wikileaks.org/file/uk-coi-operations-2007.pdf>.
- 131 UK Army, "Countering Insurgency," British Army Field Manual, (October 2009), 9–1, http://news.bbc.co.uk/1/shared/bsp/hi/pdfs/16_11_09_army_manual.pdf.
- 132 NATO, "Allied Joint Doctrine for Special Operations" (North Atlantic Treaty Organization, December 2013), 1–2, http://www.nato.int/cps/en/natohq/topics_69482.htm.
- 133 Paul Rogers, "UK Special Forces: Accountability in Shadow War I Oxford Research Group" (Oxford Research Group, March 30, 2016), http://www.oxfordresearchgroup.org.uk/publications/paul_rogers_monthly_briefing/uk_special_forces_accountability_shadow_war.
- 134 Ian Gallagher, "British Special Forces in Libya 'Ambushed by ISIS Suicide Bombers,'" Mail Online, May 1, 2016, <http://www.dailymail.co.uk/news/article-3567590/British-special-forces-fighting-Libya-ambushed-ISIS-suicide-bombers-killed-Italian-troops.html>.
- 135 Michael Fallon, "Armed Forces: Written Question - 65279," UK Parliament, March 1, 2017, <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2017-02-23/65279>.
- 136 Michael Fallon, "Army: Written Question - 65447," UK Parliament, March 2, 2017, <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2017-02-24/65447/>.
- 137 HMG, "National Security Strategy and Strategic Defence and Security Review 2015" (HM Government, November 2015), 30, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/478933/52309_Cm_9161_NSS_SD_Review_web_only.pdf.
- 138 Moran, "Assessing SOF Transparency and Accountability: The Use of Special Operations Forces by the UK, US, Australia, and Canada."
- 139 HMG, "National Security Strategy and Strategic Defence and Security Review 2015: A Secure and Prosperous United Kingdom."
- 140 HM Treasury, "Spending Review and Autumn Statement 2015," 26.
- 141 FAS, "Statement of General Joseph L. Votel, US Army Commander, US Special Operations Command before the House Armed Services Committee, Subcommittee on Emerging Threats and Capabilities," March 18, 2015, <http://docs.house.gov/meetings/AS/AS26/20150318/103157/HMTG-114-AS26-Wstate-VotelUSAJ-20150318.pdf>.
- 142 Malvesti, "To Serve the Nation: U.S. Special Operations Forces in an Era of Persistent Conflict," 32.
- 143 FAS, "Statement of General Joseph L. Votel, US Army Commander, US Special Operations Command before the House Armed Services Committee, Subcommittee on Emerging Threats and Capabilities."
- 144 "SOF Power," Foreign Policy, accessed November 2, 2016, <https://foreignpolicy.com/2012/02/14/sof-power/>.
- 145 Eric Schmitt, Mark Mazzetti, and Thom Shanker, "Expanded Role Proposed for Elite Military Forces," *The New York Times*, February 12, 2012, <http://www.nytimes.com/2012/02/13/us/admiral-pushes-for-freer-hand-in-special-forces.html>.
- 146 HMG, "Securing Britain in an Age of Uncertainty: The Strategic Defence and Security Review," 12.
- 147 HMG, "National Security Strategy and Strategic Defence and Security Review 2015: A Secure and Prosperous United Kingdom," para. 2.12.
- 148 Knowles, "Britain's Culture of No Comment."
- 149 Ruth Sherlock, "Special Forces on Secret Libya Mission against IS," Times LIVE, accessed April 6, 2016, <http://www.timeslive.co.za/thetimes/2016/02/29/Special-forces-on-secret-Libya-mission-against-IS>.
- 150 "Defence in the Media."
- 151 Rt Hon Philip Hammond MP, "Letter from the Foreign Secretary to the Foreign Affairs Committee on Libya," March 27, 2016, <https://www.parliament.uk/documents/commons-committees/foreign-affairs/Correspondence/2015-20-Parliament/160327-Foreign-Secretary-on-Libya.pdf>.
- 152 Ramesh, "SAS Deployed in Libya since Start

of Year, Says Leaked Memo.”

153 “Defence in the Media – 26 May 2016 | Defence in the Media,” accessed June 8, 2016, <https://modmedia.blog.gov.uk/2016/05/26/defence-in-the-media-26-may-2016/>.

154 Gallagher, “British Special Forces in Libya ‘Ambushed by ISIS Suicide Bombers.’”

155 “REVEALED: Leaked Tapes Expose Western Support for Renegade Libyan General,” Middle East Eye, accessed July 8, 2016, <http://www.middleeasteye.net/news/revealed-leaked-tapes-expose-western-support-renegade-libyan-general-185825787>.

156 “EXCLUSIVE: British Soldiers ‘Fighting IS on Frontlines near Libya’s Sirte,’” Middle East Eye, accessed July 22, 2016, <http://www.middleeasteye.net/news/sirte-libya-british-commandos-frontline-uk-britain-michael-fallon-islamic-state-669841059>.

157 “GOT THEM! Three ISIS Jihadis Who Fled to Libya from Britain KILLED in Special Forces Op,” Express.co.uk, July 2, 2016, <http://www.express.co.uk/news/uk/685532/Three-ISIS-jihadis-Libya-UK-KILLED-special-forces-op>.

158 “ISIS Jihadis Laid down Arms as British Forces Helped Flush Them out,” Mail Online, August 6, 2016, <http://www.dailymail.co.uk/news/article-3727370/Dramatic-moment-ISIS-jihadis-laid-arms-British-special-forces-helped-Libyan-fighters-flush-out.html>.

159 “U.S. Special Operations Troops Aiding Libyan Forces in Major Battle against Islamic State,” Washington Post, accessed August 12, 2016, <https://www.washingtonpost.com/news/checkpoint/wp/2016/08/09/u-s-special-operations-forces-are-providing-direct-on-the-ground-support-for-the-first-time-in-libya/>.

160 Marco Giannangeli, “British Ground Troops Push Big Final Offensive against ISIS Stronghold in Iraq,” Dailystar.co.uk, October 9, 2016, <http://www.dailystar.co.uk/news/latest-news/551971/British-ground-troops-push-big-final-offensive-against-ISIS-stronghold-Mosul-Iraq>.

161 ContentServer, “Military Says Libya Strike Bore Critical Intel,” Text, Associated Press, accessed February 22, 2017, <http://www.military.com/daily-news/2017/02/18/military-says-libya-strike-bore-critical-intel.html>.

162 “Secret SAS Mission to Somalia Uncovers British Terror Cells,” Mail Online, accessed October 7, 2016, <http://www.dailymail.co.uk/news/article-463962/Secret-SAS-mission-Somalia-uncovers-British-terror-cells.html>.

163 Dominik Lemanski, “SAS Targets Somali Terror Forces,” Dailystar.co.uk, March 11, 2012, <http://www.dailystar.co.uk/news/latest-news/239939/SAS-targets-Somali-terror-forces>.

164 David Blair, “‘Western Special Forces’ Raid Al-Shabaab Stronghold in Somalia,” The Telegraph, October 5, 2013, sec. News, <http://www.telegraph.co.uk/news/10357752/Western-special-forces-raid-al-Shabaab-stronghold-in-Somalia.html>.

165 Tom Morgan, “Leaked Report: SAS on Ground in Libya for Months,” The Telegraph, 19:45, sec. 2016, <http://www.telegraph.co.uk/news/2016/03/25/leaked-report-sas-on-ground-in-libya-for-months/>.

166 Patrick Williams, “SAS ‘Fighting Secret War’ against Islamic Extremists in Somalia,” Dailystar.co.uk, April 24, 2016, <http://www.dailystar.co.uk/news/latest-news/510296/SAS-fighting-secret-war-islamic-extremists-Somalia-covert-operation-drone-strikes>.

167 Margot Kiser, “Big Game: U.S. Soldiers’ Secret Hunt for Jihadists in a Kenyan Forest,” The Daily Beast, February 8, 2017, <http://www.thedailybeast.com/articles/2017/02/08/big-game-u-s-soldiers-secret-hunt-for-jihadists-in-a-kenyan-forest.html>.

168 Graham-Harrison, “British and US Military ‘in Command Room’ for Saudi Strikes on Yemen.”

169 Jack Watling and Namir Shabibi, “Britain’s Covert War in Yemen: A VICE News Investigation,” Vice News, April 2016, <https://news.vice.com/article/britains-covert-war-in-yemen-a-vice-news-investigation>.

170 Sean Rayment, “SAS Returns to Afghanistan One Year after David Cameron Said the War Was over,” Dailyrecord, August 16, 2015, <http://www.dailyrecord.co.uk/news/uk-world-news/sas-troops-return-fight-afghanistan-6261646>.

171 “Defence in the Media: 6 June 2016 | Defence in the Media,” accessed June 8, 2016, <https://modmedia.blog.gov.uk/2016/06/06/defence-in-the-media-6-june-2016/>; “UK Special Forces Fighting alongside Syrian Rebels on Jordanian Border – Report,” RT International, accessed August 5, 2016, <https://www.rt.com/uk/345533-british-special-syria-rebels/>.

172 “British Special Forces ‘Operating alongside Rebels in Syria,’” Middle East Eye, accessed August 5, 2016, <http://www.middleeasteye.net/news/british-special-forces-operating-alongside-rebels-syria-1780850703>.

173 Ben Farmer, “SAS Outpost in Syria ‘Bombed by Russians Just Hours after Troops Left,’”

The Telegraph, 14:21, sec. 2016, <http://www.telegraph.co.uk/news/2016/07/22/russia-bombed-sas-outpost-in-syria/>.

174 "UK Special Forces Pictured on the Ground in Syria," BBC News, accessed August 9, 2016, <http://www.bbc.co.uk/news/uk-37015915>.

175 Sam Webb, "Elite SAS Troops Pictured on Syrian Front Line Fighting ISIS for First Time," Mirror, August 8, 2016, <http://www.mirror.co.uk/news/uk-news/elite-sas-troops-fighting-isis-8590815>.

176 Marco Giannangeli, "Elite British Special Forces Catch Top IS Chief," Express.co.uk, August 14, 2016, <http://www.express.co.uk/news/world/699710/Elite-British-special-forces-catch-top-IS-chief>.

177 "Hundreds of Royal Marines to Join the SAS to Train New Syrian Army and Fight ISIS," RT International, accessed August 18, 2016, <https://www.rt.com/uk/355369-sas-marines-syria-isis/>.

178 Parliament, "House of Commons Debates for 26 Sep 2014."

179 Webb, "Elite SAS Troops Pictured on Syrian Front Line Fighting ISIS for First Time."

180 Katie Mansfield, "Hero SAS Sniper Saves Hundreds of Lives by Killing ISIS Suicide Bomber with Just One Shot," Express.co.uk, August 2, 2016, <http://www.express.co.uk/news/world/695569/Hero-SAS-sniper-killsISIS-suicide-bomber-and-accomplices-with-just-one-shot-Iraq>.

181 Giannangeli, "British Ground Troops Push Big Final Offensive against ISIS Stronghold in Iraq."

182 "British SAS in Iraq Issued with 'Kill or Capture' List of 200 British Jihadis," The Sun, November 6, 2016, <https://www.thesun.co.uk/news/2125627/british-special-forces-in-iraq-issued-with-kill-or-capture-list-of-200-british-jihadis-fighting-with-is/>.

183 Thomas Burrows, "Britons Fighting on Both Sides in the Battle for Mosul," Mail Online, February 20, 2017, [http://www.dailymail.co.uk/~article-4241796/index.html](http://www.dailymail.co.uk/~/article-4241796/index.html).

184 Parliament, "House of Commons Debates for 23 Mar 2016," Hansard Debate, March 23, 2016, <https://www.publications.parliament.uk/pa/cm201516/cmhansrd/cm160323/debtext/160323-0001.htm>.

185 Crispin Blunt MP, quoted in 'UK covert ops in Middle East can't stay secret forever, says top Tory MP', Middle East Eye, May 2016 (<http://www.middleeasteye.net/news/senior-tory-mp-urges-oversight-over-uk-mid-east-military-strategy-1527899929>)

186 "MPs Approve Motion on ISIL in Syria - News from Parliament."

187 Knowles, "We Need Greater Transparency on UK Military Operations in Libya"

188 "House of Commons - Libya: Examination of Intervention and Collapse and the UK's Future Policy Options - Foreign Affairs Committee," para. 122.

189 Knowles, "We Need Greater Transparency on UK Military Operations in Libya"

190 Mills, "Research Briefings - Parliamentary Approval for Military Action."

191 Ibid.

192 HMG, "Justice and Security Act 2013" (2013), http://www.legislation.gov.uk/ukpga/2013/18/pdfs/ukpga_20130018_en.pdf.

193 "The Intelligence and Security Committee of Parliament," accessed September 19, 2016, <http://isc.independent.gov.uk/>.

194 Anthony Forster, "The Defence Advisory Notice System and the Defence Press and Broadcasting Advisory Committee: Report of the Review" (MOD, March 2015), <http://www.dnotice.org.uk/linkedfiles/dnotice/records/20150312-dpbacreviewreport-final-o.doc>.

195 HMG, "Freedom of Information Act 2000" (2000), http://www.legislation.gov.uk/ukpga/2000/36/pdfs/ukpga_20000036_en.pdf.

196 HMG, "Official Secrets Act 1911" (1911), http://www.legislation.gov.uk/ukpga/1911/28/pdfs/ukpga_19110028_en.pdf; HM Government, "Official Secrets Act 1989" (1989), http://www.legislation.gov.uk/ukpga/1989/6/pdfs/ukpga_19890006_en.pdf.

197 "Special Forces: Finance: Written Question - 41980," UK Parliament, accessed August 9, 2016, <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2016-07-05/41980/>.

198 Private letter from Rt Hon Mike Penning to Yasmin Qureshi MP, dated 4th October 2016

199 "House of Commons - Operations in Libya - Defence Committee," accessed January 4, 2017, <http://www.publications.parliament.uk/pa/cm201012/cmselect/cmdfence/950/95007.htm>.

200 "Committee on Armed Services: Subcommittees," Armed Services Republicans, accessed January 4, 2017, <https://armedservices.house.gov/subcommittees/emerging-threats-capabilities%3B%20http%3A/www.armed-services.senate.gov/about/subcommittees>.

- 201 FAS, "Posture Statement of Admiral William H. McRaven, USN Commander, United States Special Operations Command" (Senate Armed Services Committee: Emerging Threats and Capabilities Subcommittee), accessed January 4, 2017, https://fas.org/irp/congress/2014_hr/031114mcraven.pdf.
- 202 Moran, "Assessing SOF Transparency and Accountability: The Use of Special Operations Forces by the UK, US, Australia, and Canada."
- 203 "Expanding Congressional Oversight of Kill/Capture Ops Conducted by the Military: Section 1036 of the NDAA," Lawfare, accessed January 3, 2017, <https://www.lawfareblog.com/expanding-congressional-oversight-killcapture-ops-conducted-military-section-1036-ndaa>.
- 204 Jeremy Scahill, *Dirty Wars* (London: Serpent's Tail, 2014), 252, 282–83.
- 205 Moran, "Assessing SOF Transparency and Accountability: The Use of Special Operations Forces by the UK, US, Australia, and Canada."
- 206 "Norway Might Deploy Troops & Special Operation Forces in Syria," June 22, 2016, <https://southfront.org/norway-might-deploy-troops-special-operation-forces-in-syria/>; "Norway Could Send Troops into Syria," Reuters, June 22, 2016, <http://www.reuters.com/article/us-mideast-crisis-syria-norway-idUSKCN0Z81O3>.
- 207 "Norway Could Send Troops into Syria."
- 208 "Avsporing Om Afghanistan," *Aftenposten*, accessed February 8, 2017, <http://www.aftenposten.no/article/ap-378151b.html>.
- 209 "Defence in the Media."
- 210 Ibid.
- 211 "Defence in the Media: 26 March 2016 I Defence in the Media," accessed April 20, 2016, <https://modmedia.blog.gov.uk/2016/03/26/defence-in-the-media-26-march-2016/>.
- 212 "Defence in the Media – 26 May 2016 I Defence in the Media."
- 213 Gallagher, "British Special Forces in Libya 'Ambushed by ISIS Suicide Bombers.'"
- 214 "Defence in the Media."
- 215 Watling and Shabibi, "Britain's Covert War in Yemen."
- 216 "Defence in the Media: 8 April 2016 I Defence in the Media," accessed February 22, 2017, <https://modmedia.blog.gov.uk/2016/04/08/defence-in-the-media-8-april-2016/>.
- 217 "Ex-SAS Officer to Sue Met for Unlawful Arrest," *The Independent*, April 28, 2013, <http://www.independent.co.uk/news/uk/crime/ex-sas-officer-to-sue-met-for-unlawful-arrest-8591209.html>.
- 218 Ibid.
- 219 "SAS - Rescue Of Norman Kember," accessed June 22, 2016, <http://www.eliteukforces.info/special-air-service/sas-operations/normak-kember-rescue/>; "SAS Operation - Basra Rescue," accessed June 22, 2016, <http://www.eliteukforces.info/special-air-service/sas-operations/basra-raid/>; "SAS - Operation Marlborough," accessed June 22, 2016, <http://www.eliteukforces.info/special-air-service/sas-operations/operation-marlborough/>; "Operation Trent," accessed June 22, 2016, <http://www.eliteukforces.info/special-air-service/sas-operations/operation-trent/>.
- 220 Richard Norton-Taylor, "Secret and Unaccountable: The Double-Edged Sword of SAS Mythology," *The Guardian*, July 14, 2015, sec. UK news, <https://www.theguardian.com/uk-news/2015/jul/14/secret-and-unaccountable-the-double-edged-sword-of-sas-mythology>.
- 221 Ibid.
- 222 "Defence and Security Media Advisory (DSMA) Notice System," accessed June 21, 2016, <http://www.dsma.uk/>.
- 223 Ibid.
- 224 D-Notice, "Records of the Past DPBAC Meetings: Agenda," accessed January 5, 2017, <http://www.dnotice.org.uk/records/index.htm>.
- 225 "Defence and Security Media Advisory (DSMA) Notice System."
- 226 Ibid.
- 227 Forster, "The Defence Advisory Notice System and the Defence Press and Broadcasting Advisory Committee: Report of the Review."
- 228 "Hero SAS Sniper 'kills Four ISIS Thugs with a SINGLE BULLET as They Prepared to Murder Hostages Using a Flamethrower,'" *The Sun*, September 11, 2016, <https://www.thesun.co.uk/news/1763976/hero-sas-sniper-kills-four-isis-thugs-with-a-single-bullet-as-they-prepared-to-murder-hostages-using-a-flamethrower/>.
- 229 Mansfield, "Hero SAS Sniper Saves Hundreds of Lives by Killing ISIS Suicide Bomber with Just One Shot."
- 230 "British Special Ops Warfighter Kills ISIS Terrorist with Ax, Frees Sex Slaves," *The Washington Times*, accessed October 19, 2016, <http://www.washingtontimes.com/news/2016/>

oct/17/british-special-ops-warfighter-kills-isis-terroris/.

231 Knowles, "Britain's Culture of No Comment."

232 "Obama to Send Special Forces to Syria," Yahoo News, accessed April 19, 2016, <https://www.yahoo.com/news/us-send-fewer-50-special-ops-forces-syria-151524914.html?ref=gs>.

233 "Syria Conflict: Obama to Deploy 250 More Special Forces Troops," BBC News, accessed June 28, 2016, <http://www.bbc.co.uk/news/world-middle-east-36126944>.

234 "Pentagon Sends Hundreds More U.S. Special Operations Forces into Syria," The Washington Times, accessed December 13, 2016, <http://www.washingtontimes.com/news/2016/dec/10/pentagon-sends-hundreds-more-us-special-operations/>.

235 "Canadian Commandos May Be on Front Lines Fighting ISIS: James Cudmore," CBC, accessed May 23, 2016, <http://www.cbc.ca/news/politics/special-forces-isis-iraq-combat-1.3318451>.

236 Ibid.

237 Daniel Hurst, "Australian Special Forces Moving into Iraq, Tony Abbott Says," The Guardian, November 10, 2014, sec. Australia news, <http://www.theguardian.com/australia-news/2014/nov/11/australian-special-forces-moving-into-iraq-tony-abbott-says>.

238 "EXCLUSIVE: Australia's Elite Special Forces Investigated over Disturbing Stories of Conduct," The Sydney Morning Herald, accessed June 14, 2016, <http://www.smh.com.au/federal-politics/political-news/australias-elite-special-forces-being-investigated-over-disturbing-stories-of-conduct-and-culture-20160416-go7wuh.html>.

239 Chris Stephen, "Three French Special Forces Soldiers Die in Libya," The Guardian, July 20, 2016, sec. World news, <https://www.theguardian.com/world/2016/jul/20/three-french-special-forces-soldiers-die-in-libya-helicopter-crash>.

240 Nathalie Guibert, "Irak : Paris confirme qu'un drone piégé a blessé deux membres des forces spéciales françaises à Erbil," Le Monde.fr, October 11, 2016, sec. International, http://www.lemonde.fr/proche-orient/article/2016/10/11/irak-deux-commandos-francais-gravement-blesses-a-erbil-par-un-drone-piege_5011751_3218.html.

241 Ewen MacAskill and Paul Johnson, "MI5 Head: 'increasingly Aggressive' Russia a Growing Threat to UK," The Guardian, November 1, 2016, sec. UK news, <https://www.theguardian.com/uk-news/2016/oct/31/andrew-parker-increasingly-aggressive-russia-a-growing-threat>

to-uk-says-mi5-head?utm_source=esp&utm_medium=Email&utm_

242 "Syria Air Strikes: What Are 'Embedded' Military Personnel?," BBC News, accessed April 20, 2016, <http://www.bbc.co.uk/news/uk-33568054>.

243 UK MOD, "House of Commons: Written Statement (HCWS149)," July 20, 2015.

244 "Syria Air Strikes."

245 "UKUSA Agreement Release 1940-1956," May 3, 2016, <https://www.nsa.gov/news-features/declassified-documents/ukusa/>.

246 Michael S. Goodman, *The Official History of the Joint Intelligence Committee: Volume I: From the Approach of the Second World War to the Suez Crisis* (Routledge, 2014).

247 Adam Svendsen, "Buffeted Not Busted: The UKUSA 'Five-Eyes' after Snowden," E-IR, January 8, 2014, <http://www.e-ir.info/2014/01/08/buffed-not-busted-the-ukusa-five-eyes-after-snowden/>.

248 Richard Aldrich, *GCHQ: The Uncensored Story of Britain's Most Secret Intelligence Agency* (HarperPress, 2011).

249 UK MOD, "House of Commons: Written Statement (HCWS149)," July 20, 2015.

250 MOD News Team, "Defence in the Media: UK Personnel Embeds in Syria," Ministry of Defence, July 17, 2015, <https://modmedia.blog.gov.uk/2015/07/17/defence-in-the-media-17-july-2015/>.

251 Cormac, "Disruption and Deniable Interventionism: Explaining the Appeal of Covert Action and Special Forces in Contemporary British Policy (Unpublished)"; Namir Shabibi and Jack Watling, "Exclusive: How the UK Secretly Helped Direct Lethal US Drone Strikes in Yemen," VICE News, April 7, 2016, <https://news.vice.com/article/exclusive-how-the-uk-secretly-helped-direct-lethal-us-drone-strikes-in-yemen>.

252 HMG, "Securing Britain in an Age of Uncertainty: The Strategic Defence and Security Review," 12.

253 HMG, "National Security Strategy and Strategic Defence and Security Review 2015: A Secure and Prosperous United Kingdom," para. 2.12.

254 Brooke-Holland, "Research Briefings - Overview of Military Drones Used by the UK Armed Forces."

255 UK MOD, "House of Commons: Written

- Statement (HCWS149),” July 20, 2015.
- 256 “Syria Air Strikes”; Ministry of Defence, “UK Is Not Currently Conducting Air Strikes in Syria. Embed Programme with Allies Is Long-Standing. Full Statement:pic.twitter.com/jwiPtQm712,” microblog, @DefenceHQ, (July 17, 2015), https://twitter.com/DefenceHQ/status/621951937869647872?ref_src=twsrc%5Etfw.
- 257 Martin Faix, “Rules of Engagement: Some Basic Questions and Current Issues” CYIL, no. 1 (2010).
- 258 Alan Cole et al., “Sanremo Handbook on Rules of Engagement” (International Institute of Humanitarian Law, November 2009), <http://www.iihl.org/wp-content/uploads/2015/12/ROE-HANDBOOK-ENGLISH.pdf>.
- 259 Ben Emmerson, “Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism” (United Nations, September 18, 2013), http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/a_68_389.pdf.
- 260 Birmingham Policy Commission, “The Security Impact of Drones: Challenges and Opportunities for the UK” (University of Birmingham, October 2014), <http://www.birmingham.ac.uk/Documents/research/policycommission/remote-warfare/final-report-october-2014.pdf>; Parliament, “House of Commons Debate on 20 July 2015.”
- 261 Birmingham Policy Commission, “The Security Impact of Drones: Challenges and Opportunities for the UK.”
- 262 Sir John Sawers, “Sir John Sawers’s Speech – Full Text,” The Guardian, October 28, 2010, sec. UK news, <https://www.theguardian.com/uk/2010/oct/28/sir-john-sawers-speech-full-text>.
- 263 Sir John Sawers, “Intelligence Agencies Evidence Session,” § Intelligence and Security Committee of Parliament (2013), <http://www.parliamentlive.tv/Event/Index/7c01863f-0a30-4baa-925f-e2fa60bdc86c>.
- 264 Sawers, “Sir John Sawers’s Speech – Full Text.”
- 265 Larry Whyte et al., “Ministers Urged to Publish Secret Memo on ‘Shady’ Deal with Saudi Arabia That Officials Are Hiding to Protect ‘National Security,’” Newsgrio, December 23, 2015, <http://www.newsgrio.com/articles/174390-ministers-urged-to-publish-secret-memo-on-shady-deal-with-saudi-arabia-that-officials-are-hiding-to-protect-national-security.html>.
- 266 Reprieve, “UK Govt Statement on Embedded Personnel Not Real Transparency.”
- 267 Parliament, “House of Commons Debate on 20 July 2015.”
- 268 UK MOD, “House of Commons: Written Statement (HCWS149),” July 20, 2015.
- 269 UK MOD, “House of Commons: Written Statement (HCWS149),” July 20, 2015.
- 270 Parliament, “House of Commons Debate on 20 July 2015.”
- 271 Camilla Turner and Steven Swinford, “David Cameron ‘Knew British Pilots Were Bombing Syria’ - as It Happened, July 17, 2015,” July 17, 2015, sec. News, http://www.telegraph.co.uk/news/uknews/defence/11745689/British-pilots-in-air-strikes-against-Isil-in-Syria-live.html?WT.mc_id=e_DM32918&WT.tsrc=email&etype=Edi_PoL_New&utm_source=email&utm_medium=Edi_PoL_New_2015_07_17&utm_campaign=DM32918.
- 272 Parliament, “House of Commons Debate on 20 July 2015.”
- 273 Turner and Swinford, “David Cameron ‘Knew British Pilots Were Bombing Syria’ - as It Happened, July 17, 2015.”
- 274 Ibid.
- 275 Brooke-Holland, “Research Briefings - Overview of Military Drones Used by the UK Armed Forces.”
- 276 Nick McCarthy and Luke Beardsworth, “Updates: ISIS Recruiter Sally Jones Named on SAS Hitlist,” Birmingham Mail, November 7, 2016, <http://www.birminghammail.co.uk/news/midlands-news/updates-isis-recruiter-sally-jones-12139562>.
- 277 Alice Ross and Spencer Ackerman, “Former Navy Chief Expresses Concern over UK Role in Syria Drone Strikes,” The Guardian, September 10, 2015, sec. UK news, <https://www.theguardian.com/uk-news/2015/sep/10/former-navy-chief-expresses-concern-over-uk-role-in-syria-drone-strikes>.
- 278 Ibid.
- 279 Spencer Ackerman and Alice Ross, “Airstrike Targeting British Hacker Working for Isis Killed Three Civilians Instead, US Admits,” The Guardian, January 29, 2016, sec. US news, <https://www.theguardian.com/us-news/2016/jan/29/sis-airstrike-syria-civilians-killed-us-military-junaid-hussain>.
- 280 Claire Phipps, Patrick Wintour, and Justin McCurry, “‘High Degree of Certainty’ That US

Strike Killed Mohammed Emwazi,” The Guardian, November 13, 2015, sec. UK news, <https://www.theguardian.com/uk-news/2015/nov/13/us-air-strike-targets-mohammed-emwazi-uk-terrorist-known-as-jihadi-john>.

281 Gordon Rayner, “How the US and UK Tracked down and Killed Jihadi John,” The Telegraph, November 13, 2015, sec. World, <http://www.telegraph.co.uk/news/worldnews/islamic-state/11993569/How-the-US-and-UK-tracked-down-and-killed-Jihadi-John.html>.

282 Michael Smith, “Catching a Terrorist: The Top Secret Team Who Hunted Jihadi John,” International Business Times UK, January 15, 2017, <http://www.ibtimes.co.uk/catching-terrorist-top-secret-team-who-hunted-jihadi-john-1600951>.

283 Ross and Ackerman, “Former Navy Chief Expresses Concern over UK Role in Syria Drone Strikes.”

284 Alice Ross, “MPs Call for Guidance on Prosecuting UK Spies over US Drone Strikes,” The Guardian, July 7, 2015, sec. Politics, <https://www.theguardian.com/politics/2015/jul/07/mps-guidance-prosecuting-uk-spies-us-drone-strikes>.

285 J L Mombasa, “A Very British Execution?,” The Economist, June 25, 2012, <http://www.economist.com/blogs/baobab/2012/01/shabab-somalia>.

286 Ryan Gallagher, “The Drone Papers,” The Intercept, October 15, 2015, <https://theintercept.com/drone-papers/>.

287 Ibid.

288 Ibid.

289 Mombasa, “A Very British Execution?”

290 Alice Ross and James Ball, “GCHQ Documents Raise Fresh Questions over UK Complicity in US Drone Strikes,” The Guardian, June 24, 2015, sec. UK news, <http://www.theguardian.com/uk-news/2015/jun/24/gchq-documents-raise-fresh-questions-over-uk-complicity-in-us-drone-strikes>.

291 David Leppard, “GCHQ Finds Al-Qaeda for American Strikes,” The Sunday Times, July 25, 2010, http://www.thesundaytimes.co.uk/sto/news/uk_news/Defence/article353492.ece; Ross and Ball, “GCHQ Documents Raise Fresh Questions over UK Complicity in US Drone Strikes”; Scott Shane, “Documents on 2012 Drone Strike Detail How Terrorists Are Targeted,” The New York Times, June 24, 2015, <http://www.nytimes.com/2015/06/25/world/middleeast/us-drone-strike-said-to-kill-doctor-trying-to-implant-bombs.html>.

292 “Court Case over Drone Strike ‘Could

Force Britain to Reveal Intelligence Exchanges with US,” The Telegraph, May 25, 2012, sec. News, <http://www.telegraph.co.uk/news/uknews/defence/9289127/Court-case-over-drone-strike-could-force-Britain-to-reveal-intelligence-exchanges-with-US.html>.

293 Alice Ross, “UK Government Must Clarify Position on Drone Intelligence-Sharing, MPs Say,” The Bureau of Investigative Journalism, March 25, 2014, <https://www.thebureauinvestigates.com/2014/03/25/uk-government-must-clarify-position-on-drone-intelligence-sharing-mps-say/>; Bureau Reporter, “UK Government Urged to Publish Intelligence-Sharing Guidance,” The Bureau of Investigative Journalism, November 28, 2014, <https://www.thebureauinvestigates.com/2014/11/28/uk-government-urged-to-publish-intelligence-sharing-guidance/>.

294 Jack Serle, “UK Complicity in US Drone Strikes Is ‘Inevitable’, Emmerson Tells Parliament,” The Bureau of Investigative Journalism, December 5, 2013, <https://www.thebureauinvestigates.com/2013/12/05/uk-complicity-in-us-drone-strikes-is-inevitable-emmerson-tells-parliament/>.

295 Steve Swann, “CIA Drone Strikes: Is the UK Involved?,” BBC News, December 21, 2012, sec. UK, <http://www.bbc.co.uk/news/uk-20804072>.

296 Ryan Gallagher, “The NSA’s British Base at the Heart of U.S. Targeted Killing,” The Intercept, September 6, 2016, <https://theintercept.com/2016/09/06/nsa-men-with-hill-targeted-killing-surveillance/>.

297 Namir Shabibi and Jack Watling, “Cash, Candy, and ‘Collateral Damage’: An Anatomy of a CIA-MI6 Drone Assassination,” VICE News, April 13, 2016, <https://news.vice.com/article/cash-candy-and-collateral-damage-an-anatomy-of-a-cia-mi6-drone-assassination-1>.

298 Ross and Ball, “GCHQ Documents Raise Fresh Questions over UK Complicity in US Drone Strikes”; “Defence in the Media: 25 June 2015 | Defence in the Media,” accessed April 14, 2016, <https://modmedia.blog.gov.uk/2015/06/25/defence-in-the-media-25-june-2015/>.

299 Ross and Ball, “GCHQ Documents Raise Fresh Questions over UK Complicity in US Drone Strikes.”

300 “A Wedding Became a Funeral: US Drone Attack on Marriage Procession in Yemen,” Human Rights Watch, 2014, https://www.hrw.org/sites/default/files/reports/yemen0214_ForUpload_0.pdf.

301 Watling and Shabibi, “Britain’s Covert War in Yemen”

- 302 Ibid.
- 303 Shabibi and Watling, "Cash, Candy, and 'Collateral Damage.'"
- 304 Watling and Shabibi, "Britain's Covert War in Yemen."
- 305 Ibid.
- 306 Owen Bowcott, "UK Military Officers Give Targeting Training to Saudi Military," *The Guardian*, April 15, 2016, sec. UK news, <https://www.theguardian.com/uk-news/2016/apr/15/uk-army-officers-provide-targeting-training-saudi-military>.
- 307 "Defence in the Media: 8 April 2016 | Defence in the Media," GOV.UK, April 8, 2016, <https://modmedia.blog.gov.uk/2016/04/08/defence-in-the-media-8-april-2016/>.
- 308 Ginny Hill and Baraa Shiban, "Yemen: A Battle for the Future," Remote Control Project, November 10, 2016, <http://remotecontrolproject.org/publications/yemen-battle-future/>.
- 309 Christopher Blanchard, "Saudi Arabia: Background and U.S. Relations" (Congressional Research Service, September 20, 2016), <https://www.fas.org/sgp/crs/mideast/RL33533.pdf>.
- 310 "UN: Suspend Saudi Arabia from Human Rights Council," Human Rights Watch, June 29, 2016, <https://www.hrw.org/news/2016/06/29/un-suspend-saudi-arabia-human-rights-council>.
- 311 "Yemen: Children among Civilians Killed and Maimed in Cluster Bomb 'minefields,'" Amnesty International, May 23, 2016, <https://www.amnesty.org/en/latest/news/2016/05/yemen-children-among-civilians-killed-and-maimed-in-cluster-bomb-minefields/>.
- 312 Watling and Shabibi, "Britain's Covert War in Yemen."
- 313 Emma Graham-Harrison, "UK in Denial over Saudi Arms Sales Being Used in Yemen, Claims Oxfam," *The Guardian*, August 23, 2016, sec. World news, <https://www.theguardian.com/world/2016/aug/23/uk-in-denial-over-saudi-arms-sales-being-used-in-yemen-claims-oxfam>.
- 314 Hill and Shiban, "Yemen."
- 315 Nick Hopkins, "MoD Seriously Mised Me on Saudi Arms Sales, Says Vince Cable," *The Guardian*, November 4, 2016, sec. World news, https://www.theguardian.com/world/2016/nov/04/mod-seriously-mised-me-on-saudi-arms-sales-says-vince-cable?utm_source=esp&utm_medium=Email&utm_
- 316 Sarah Leah Whitson, "The US Is Quietly Helping Saudi Arabia Wage a Devastating Aerial Campaign in Yemen," Human Rights Watch, March 30, 2016, <https://www.hrw.org/news/2016/03/30/us-quietly-helping-saudi-arabia-wage-devastating-aerial-campaign-yemen>; Bowcott, "UK Military Officers Give Targeting Training to Saudi Military"; Richard Norton-Taylor, "Two Key Defence Questions Facing Britain: Trident and the Middle East," *The Guardian*, January 20, 2016, sec. News, <https://www.theguardian.com/news/defence-and-security-blog/2016/jan/20/two-key-defence-questions-facing-britain-trident-and-the-middle-east>; Michael Fallon, "Yemen: Military Intervention: Written Question - 49029," UK Parliament, October 20, 2016, <http://www.parliament.uk/business/publications/questions-answers-statements/written-question/Commons/2016-10-17/49029/>.
- 317 Parliament, "House of Commons Debate for 18 October 2016," Hansard Debate, October 18, 2016, <https://hansard.parliament.uk/commons/2016-10-18/debates/ABA8E0A3-11FD-4110-B216-7A55BBE89453/Yemen>.
- 318 "US Pulls Back Staff from Saudi Arabia Devoted to Yemen Arranging" NewsDog, accessed November 22, 2016, <http://www.newsdogshare.com/a/article/57ba85ff76f3df288dac2c45/>.
- 319 Peter Osborne and Nawal Al-Maghafi, "EXCLUSIVE: A Calamity Is Unfolding in Yemen and It Is Time the World Woke up," Middle East Eye, September 6, 2016, <http://www.middleeasteye.net/essays/yemen-war-saudi-arabia-houthi-sanaa-peter-osborne-820075995>.
- 320 Richard Norton-Taylor, "UK Special Forces and MI6 Involved in Yemen Bombing, Report Reveals," *The Guardian*, April 11, 2016, sec. News, 6, <https://www.theguardian.com/news/defence-and-security-blog/2016/apr/11/uk-special-forces-and-mi6-involved-in-yemen-bombing-report-reveals>.
- 321 Emily Knowles, "What British War on Terror?," Remote Control Project, October 26, 2016, <http://remotecontrolproject.org/publications/british-war-terror/>.
- 322 House of Commons, "The Use of UK-Manufactured Arms in Yemen: First Joint Report of the Business, Innovation and Skills and International Development Committees of Session 2016-17" (House of Commons, September 14, 2016), 30.
- 323 The White House, "Report on the Legal and Policy Frameworks Guiding the United States' Use of Military Force and Related National Security Operations."

- 324 Blanchard, "Saudi Arabia: Background and U.S. Relations"; Zachary Fryer-Biggs, "US Slows Arms Shipment, Intelligence Sharing to Saudi Arabia over Yemen Campaign," IHS Jane's 360, December 14, 2016, <http://www.janes.com/article/66236/us-slows-arms-shipment-intelligence-sharing-to-saudi-arabia-over-yemen-campaign>.
- 325 House of Commons, "The Use of UK-Manufactured Arms in Yemen: First Joint Report of the Business, Innovation and Skills and International Development Committees of Session 2016-17," 31.
- 326 Parliament, "House of Commons Debate on 20 July 2015."
- 327 Ibid.
- 328 Turner and Swinford, "David Cameron 'Knew British Pilots Were Bombing Syria' - as It Happened, July 17, 2015."
- 329 Ibid.
- 330 "Prime Minister Knew RAF Were Involved in Syria Air Strikes," Mail Online, July 17, 2015, <http://www.dailymail.co.uk/wires/pa/article-3164909/British-pilots-involved-allied-air-strikes-Syria.html>.
- 331 Parliament, "House of Commons Debate on 20 July 2015."
- 332 Ibid.
- 333 "Armed Forces Update: Written Statement - HCWS678," UK Parliament, accessed April 20, 2016, <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2016-04-18/HCWS678/>.
- 334 Michael Fallon, "UK Embedded Forces: Written Statement - HCWS431," UK Parliament, December 17, 2015, <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2015-12-17/HCWS431/>.
- 335 Reprieve, "UK Govt Statement on Embedded Personnel Not Real Transparency."
- 336 Fallon, "UK Embedded Forces."
- 337 Reprieve, "UK Govt Statement on Embedded Personnel Not Real Transparency."
- 338 Parliament, "Armed Forces Deployment (Royal Prerogative) Bill [HL]," Hansard Debate, July 8, 2016, [https://hansard.parliament.uk/lords/2016-07-08/debates/16070837000491/ArmedForcesDeployment\(RoyalPrerogative\)Bill\(HL\)](https://hansard.parliament.uk/lords/2016-07-08/debates/16070837000491/ArmedForcesDeployment(RoyalPrerogative)Bill(HL)).
- 339 Parliament, "House of Commons Debate on 20 July 2015."
- 340 Mills, Smith, and Brooke-Holland, "ISIS/Daesh: The Military Response in Iraq and Syria," 44.
- 341 Elaine Kerr, "Letter from Air Command Secretariat to Drone Wars," February 4, 2014, <https://dronewarsuk.files.wordpress.com/2014/02/20130204-cole-reaper-weapons-released-reply-u.pdf>.
- 342 Jamie Doward, Alice Ross, and Mark Townsend, "Concern Mounts over UK Role in Pakistan Drone Attacks," The Guardian, September 12, 2015, sec. World news, <https://www.theguardian.com/world/2015/sep/12/uk-role-in-pakistan-drone-attacks-concern-mounts>.
- 343 Parliament, "House of Commons Debate on 20 July 2015."
- 344 "Armed Forces Update."
- 345 Huw Dylan and Michael Goodman, "Guide to the Study of Intelligence: British Intelligence," The Intelligencer: Journal of U.S. Intelligence Studies. 21, no. 2 (2015), [https://kclpure.kcl.ac.uk/portal/en/publications/guide-to-the-study-of-intelligence-british-intelligence\(c2747b95-95a4-4c9f-be64-643412d177a5\).html](https://kclpure.kcl.ac.uk/portal/en/publications/guide-to-the-study-of-intelligence-british-intelligence(c2747b95-95a4-4c9f-be64-643412d177a5).html).
- 346 Hugh Robertson, "House of Commons Hansard Written Answers for 08 July 2014 (Pt 0001)," July 8, 2014, http://www.publications.parliament.uk/pa/cm201415/cmhansrd/cm140708/text/140708w0001.htm#140708w0001.htm_wqn10.
- 347 HMG, "National Intelligence Machinery" (The Stationery Office, September 2001), https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/250868/0114301808.pdf.
- 348 Andrew Parker, "Intelligence Agencies Evidence Session," § Intelligence and Security Committee of Parliament (2013), <http://www.parliamentlive.tv/Event/Index/7c01863f-0a30-4baa-925f-e2fa60bdc86c>.
- 349 HMG, "Intelligence Service Act" (1994), http://www.legislation.gov.uk/ukpga/1994/13/pdfs/ukpga_19940013_en.pdf.
- 350 Sawers, "Sir John Sawers's Speech – Full Text."
- 351 "National Intelligence Machinery," MI5 - The Security Service, accessed January 4, 2017, <https://www.mi5.gov.uk/national-intelligence-machinery>.
- 352 HMG, "National Intelligence Machinery."

- 353 GOV.UK, "Joint Intelligence Committee," accessed January 4, 2017, <https://www.gov.uk/government/groups/joint-intelligence-committee>.
- 354 MI5 - The Security Service, "National Intelligence Machinery."
- 355 gov.uk, "National Security Council - GOV.UK," gov.uk, (nd), <https://www.gov.uk/government/groups/national-security-council>.
- 356 Dylan and Goodman, "Guide to the Study of Intelligence"; gov.uk, "National Security Council - GOV.UK."
- 357 Sawers, "Sir John Sawers's Speech – Full Text."
- 358 Richard Aldrich and Rory Cormac, *The Black Door: Spies, Secret Intelligence and British Prime Ministers* (HarperCollins UK, 2016).
- 359 The Intelligence Services Commissioner's Office, "Sir John Goldring Appointed as the New Intelligence Services Commissioner," *The Intelligence Services Commissioner*, January 31, 2017, <http://intelligencecommissioner.com/news.asp?id=1028>.
- 360 Interception of Communications Commissioner's Office, "Interception of Communications Commissioner's Office -," January 11, 2016, <http://www.iocco-uk.info/>.
- 361 The Intelligence Services Commissioner's Office, "The Commissioner's Statutory Functions," August 21, 2014, <http://intelligencecommissioner.com/content.asp?id=4>.
- 362 Iain Lobban, "Intelligence Agencies Evidence Session," § Intelligence and Security Committee of Parliament (2013), <http://www.parliamentlive.tv/Event/Index/7c01863f-0a30-4baa-925f-e2fa60bdc86c>.
- 363 Sawers, "Sir John Sawers's Speech – Full Text."
- 364 David Anderson, "Features: Torture and Intelligence Cooperation," *Terrorism Legislation Reviewer*, January 26, 2017, <https://terrorismlegislationreviewer.independent.gov.uk/category/feature/>; Reprieve, "Britain's Torture Policy: The Consolidated Guidance on the Detention and Interviewing of Detainees Overseas," December 2016, http://www.reprieve.org.uk/wp-content/uploads/2017/01/2016_12_15_PUB-note-on-Consolidated-Guidance.pdf.
- 365 Anderson, "Features: Torture and Intelligence Cooperation"; Ben Wallace, "Detainees: Written Question - 65278," UK Parliament, March 2, 2017, <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2017-02-23/65278>.
- 366 GOV.UK, "Investigatory Powers Bill Receives Royal Assent," November 29, 2016, <https://www.gov.uk/government/news/investigatory-powers-bill-receives-royal-assent>.
- 367 Anderson, "Features: Torture and Intelligence Cooperation."
- 368 David Anderson, "The Independent Reviewer Writes ...," April 11, 2013, <https://terrorismlegislationreviewer.independent.gov.uk/message-from-the-independent-reviewer/>.
- 369 Ibid.
- 370 David Anderson, "A Question of Trust: Report of the Investigatory Powers Review" (*Independent Reviewer of Terrorism*, June 2014), <https://terrorismlegislationreviewer.independent.gov.uk/wp-content/uploads/2015/06/IPR-Report-Print-Version.pdf>.
- 371 Alan Travis, "Leading Terror Trial QC to Be Counter-Terror Laws Watchdog," *The Guardian*, February 20, 2017, sec. Politics, <https://www.theguardian.com/politics/2017/feb/20/max-hill-independent-reviewer-terrorism-legislation-david-anderson-prevent>.
- 372 BBC News, "UK Urged to Reveal 'Torture' File," *BBC News*, July 28, 2009, <http://news.bbc.co.uk/1/hi/uk/8170594.stm>.
- 373 Reprieve, "Britain's Torture Policy: The Consolidated Guidance on the Detention and Interviewing of Detainees Overseas."
- 374 Harriet Moynihan, "Aiding and Assisting: Challenges in Armed Conflict and Counterterrorism," *Chatham House*, November 14, 2016, <https://www.chathamhouse.org/node/26115>.
- 375 Anderson, "Features: Torture and Intelligence Cooperation."
- 376 Sir Mark Waller, "Report of the Intelligence Services Commissioner: Supplementary to the Annual Report for 2015" (*Intelligence Services Commissioner*, September 15, 2016), http://intelligencecommissioner.com/docs/FPCM1042_HC_458_Accessible.pdf.
- 377 Andrew Defty, "It Is Time to Adopt a Different Approach to Appointing Members of the Intelligence and Security Committee," *Democratic Audit UK*, March 24, 2015, <http://eprints.lse.ac.uk/63151/1/democraticaudit.com-It%20is%20time%20to%20adopt%20a%20different%20approach%20to%20appointing%20members%20of%20the%20Intelligence%20and%20Security%20Commi.pdf>; Joanna Dawson, "The Intelligence and Security Committee," February 3, 2016, <http://researchbriefings.parliament.uk/>

- ResearchBriefing/Summary/SN02178#fullreport.
- 378 Defty, "It Is Time to Adopt a Different Approach to Appointing Members of the Intelligence and Security Committee."
- 379 Dawson, "The Intelligence and Security Committee."
- 380 Cabinet Office and Home Office, "Explanatory Notes to Justice and Security Act 2013," 2013, <http://www.legislation.gov.uk/ukpga/2013/18/notes>.
- 381 Defty, "It Is Time to Adopt a Different Approach to Appointing Members of the Intelligence and Security Committee."
- 382 Nick Hopkins, "From Turing to Snowden: How US-UK Pact Forged Modern Surveillance," *The Guardian*, December 2, 2013, sec. US news, <https://www.theguardian.com/world/2013/dec/02/turing-snowden-transatlantic-pact-modern-surveillance>.
- 383 Waller, "Report of the Intelligence Services Commissioner: Supplementary to the Annual Report for 2015."
- 384 Ibid.
- 385 Jaffey, "Hearing of British Experts on Edward Snowden's Revelations," Bundestag
- 386 Waller, "Report of the Intelligence Services Commissioner: Supplementary to the Annual Report for 2015."
- 387 "Snoopers Scolded," *The Economist*, February 13, 2016, <http://www.economist.com/news/britain/21692918-parliamentary-committee-blasts-government-surveillance-plans-snoopers-scolded>.
- 388 Anthony Glees, October 25, 2016 (interview).
- 389 Sean Kippin, "How Democratically Accountable Are the UK's Security and Intelligence Services?," *Democratic Audit UK*, March 9, 2016, <http://www.democraticaudit.com/2016/03/09/how-democratically-accountable-are-the-uks-security-and-intelligence-services/>.
- 390 Kerbaj and Shipman, "Spies Told to Come Clean on Cameron's Order to Kill."
- 391 Hugh Bochel, Andrew Defty, and Jane Kirkpatrick, "'New Mechanisms of Independent Accountability': Select Committees and Parliamentary Scrutiny of the Intelligence Services," *Parliamentary Affairs* 68, no. 2 (April 1, 2015): 314–31.
- 392 Ibid.
- 393 Swann, "CIA Drone Strikes."
- 394 Watling and Shabibi, "Britain's Covert War in Yemen."
- 395 Hugh Robertson, "Yemen: Military Intervention: Written Question - 204032," UK Parliament, July 10, 2014, <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2014-07-03/204032>.
- 396 Robertson, "House of Commons Hansard Written Answers for 08 July 2014 (Pt 0001)."
- 397 Alice Ross, "UK Faces Calls for Intelligence-Sharing Guidance over Drone Attacks," *The Guardian*, June 26, 2015, sec. UK news, <https://www.theguardian.com/uk-news/2015/jun/26/uk-intelligence-sharing-guidance-drone-war-zone>.
- 398 Gallagher, "The NSA's British Base at the Heart of U.S. Targeted Killing."
- 399 Richard Aldrich, "Hearing of British Experts on Edward Snowden's Revelations," Bundestag, Bundestag, (December 2016), <http://www.bundestag.de/>
- 400 Birmingham Policy Commission, "The Security Impact of Drones: Challenges and Opportunities for the UK."

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