



HOUSE OF COMMONS

LONDON SW1A 0AA

Rt Hon David Cameron MP
Prime Minister
10 Downing Street
London
SW1A 2AA

02 November 2015

Dear David,

Re: Statement on the Drone Strikes in Syria

It is encouraging that, on 29th October, the Intelligence and Security Committee announced an investigation into these strikes.

Your statement on 7th September provided an early opportunity for retrospective scrutiny of the use of lethal force in a national security operation, the targeted killing of a UK citizen in Syria. As you said on the 7th September – ‘this is a new departure, and that is why I thought it was important to come to the House and explain why I think it is necessary and justified’ – the fullest possible explanation is required.

You explained that the decision was based on intelligence. The public need reassurance that this use of lethal force was necessary for the protection of the UK’s national security and was proportionate to the threat posed. The ISC exists to provide these reassurances.

The ISC’s failure to get to the bottom of extraordinary rendition in 2007 damaged its reputation. Since then Parliament has somewhat strengthened its powers with the Justice and Security Act 2013. This investigation will be a test case, to determine whether the new powers are capable of enabling the ISC to do a thorough job and command public confidence. With those powers in mind, I would be grateful if you could tell me whether:

- i. a new memorandum of understanding will be placed before Parliament outlining the terms of reference by which the ISC can investigate an intelligence and military operation, an exceptional power afforded to the ISC in accordance with its remit, by Section 2(2) of the Justice and Security Act.

I would also be grateful if you could tell me whether:

- ii. the Attorney General's legal advice addressed the lawfulness of targeted killing under the UN Charter or whether the Attorney General's advice also specifically addressed the operation to kill Reyaad Khan. If not, who did consider the operational lawfulness of the strike?
- iii. were the RAF rules of engagement used for the operation? If not, which rules were used?
- iv. you will instruct your Secretaries of State to release all relevant information to the ISC. Unless you do so your Secretaries of State may render the ISC inquiry incomplete by withholding sensitive information under Schedule 1, Section 4(4)(a) Justice and Security Act, and;
- v. whether you will undertake to publish their report as fully as possible – subject to restrictions under Section 3(4) Justice and Security Act – and provide as much explanation as reasonably possible for the reasons for any redactions.

Recent experience has demonstrated that the maximum possible transparency is essential in order to prevent damaging speculation which threatens our national security. Your statement on the 7th September was an important and valuable contribution to that transparency. It is now important that the ISC demonstrates its independence and legitimacy, to do this, it must have proper access to information and publish its report as fully as possible.

I will be putting this letter, together with your reply, in the public domain.

Yours ever,
Andrew

ANDREW TYRIE