

Rt Hon Michael Fallon MP
Secretary of State for Defence
Ministry of Defence
London SW1A 2HB

Tom Watson MP
House of Commons
London SW1A 0AA

2 June 2015

Dear

I was pleased to see the response of 16 March to my Written Question asking whether your Department would consider introducing a compensation scheme for civilian casualties in Iraq¹. The discussion you have now had with coalition partners with a view to agreeing a mechanism for tracking, reporting, investigating and responding to allegations of civilian casualties marks the first important step in this process.

¹ <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2015-01-28/222465/>

As Chair of the All Party Parliamentary Group on Drones, I welcome this initiative. Given the remote nature of our intervention - which may impact on the threshold for action and certainly poses additional obstacles in terms of impact assessment - it is especially important that the United Kingdom responds appropriately to allegations of civilian harm. We must also be seen to respond appropriately – acting openly according to a ‘*rules-based system of conduct in which international norms are respected*².’ In the context of civilian casualties, this means the prompt and thorough investigation of credible allegations of civilian harm, and establishing a systematic and transparent mechanism for the provision of compensation where appropriate.

It is encouraging that CENTCOM has started to conduct investigations into coalition airstrikes that have allegedly killed civilians in Iraq and Syria. However we need more public information on how individual cases are examined and compensated so that we can build on this work. I am sure you will be aware of the independent (although provisional) estimate of a group of independent journalists Airwars that between 418 and 552 civilian non-combatants have been killed in incidents where the publically available evidence points to coalition action³. This figure is notably higher than that disclosed by official reports. It invites further attention from your Department.

² Philip Hammond ‘Britain in the World’:
<http://www.publications.parliament.uk/pa/cm201516/cmhansrd/cm150601/debtext/150601-0001.htm#1506013000003>

³ <http://airwars.org/civilian-casualty-claims/>.

In my view, your Department is well placed to lead and deliver in this area, drawing on the significant experience of the United Kingdom, a leader in the EU, NATO and permanent member of the UN Security Council. I note that your Department promotes transparency and the minimum disclosure of basic information about Reaper operations in Operation Shader by month, country and weapons release.

This civilian compensation project has a significance that extends beyond Operation Shadow. If the coalition is able to devise and agree a formal mechanism for the investigation and compensation of any civilian casualties by drone or other air strikes in Iraq and Syria, that may prove to be instructive elsewhere. I note, as I am sure you have, the growing call for public acknowledgement, review and compensation for all civilian casualties of lethal Counter-Terrorism strikes, including non-US citizens killed outside traditional battlefields⁴. This is important if we are really are going to establish a rules-based international order to build world-wide stability and security, as the Rt Hon Minister Philip Hammond called for yesterday.

I am therefore requesting a comprehensive update of those mechanisms referred to in your response of 16 March under discussion or indeed provisionally agreed, and other relevant information. Please can you answer the following questions as fully as possible:

⁴ Letter 13 May re public acknowledgement and investigation of all drone strikes: http://www.reprieve.org.uk/wp-content/uploads/2015/05/2015_05_13_PUB-Civil-Society-Joint-Letter-to-President-Obama-on-Drone-Strikes-May-13-2015.pdf.

1. Which person or team within the Ministry of Defence is responsible for (a) the investigation of allegations of civilian casualties (b) devising a mechanism for this (c) liaising with coalition partners on (a) and (b)
2. What is the MOD current system for tracking, reporting, investigating and responding to allegations of civilian casualties
3. What systematic, transparent or other mechanisms for tracking, reporting, investigating and responding to allegations of civilian casualties have been proposed by coalition members
4. What role do Reaper drones play in battle damage assessments and otherwise in such mechanisms, whether implemented or under discussion
5. How are relevant Reaper capabilities supplemented, for example by entertaining credible witness statements obtained by human rights organisations or DFID working to assess the humanitarian on the ground
6. Whether there has been a review of how UK and other compensation schemes in Afghanistan have worked, including access to schemes, consistency and co-ordination between ISAF troop contributing nations.

I look forward to hearing from you.

Yours sincerely,

Tom Watson MP

Chair of the All Party Parliamentary Group on Drones