



Ministry
of Defence

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4.3.13

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09 JAN 2018

Thank you for your letter of 8 December 2017 on the legal framework for targeting Daesh in Iraq and Syria.

As you rightly point out, Daesh have committed heinous crimes in the region. They have shown a complete disregard for human life, shooting families with children as they fled cities like Mosul and Raqqah. They are a global terrorist network who plan and inspire terrorist attacks. As their position in Iraq and Syria has weakened, they have increasingly turned their attention to encouraging their terrorist network to launch attacks all over the world. As Defence Secretary it is absolutely right that one of my top priorities is fighting and defeating Daesh terrorists. I have been explicit that if you choose to fight for Daesh then you make yourself a legitimate target.

Let me reassure you that our brave Armed Forces always respects International Humanitarian Law (IHL) when applying military force, including upholding the principles of military necessity, distinction, humanity and proportionality. All military targeting is governed by strict rules of engagement which are consistent with IHL and with UK law, and the rigorous system we have in place for authorising air strikes keeps legal and policy expertise right at the heart of decision-making and authorisation.

Turning to the relevant legal framework, the UK's legal basis for using force against Daesh in Iraq is the consent of Iraq, and in Syria it is the collective self-defence of Iraq. In addition, and as the previous Prime Minister said in the House in 2015, where terrorists in Syria are planning and directing UK attacks which pose an imminent threat, there may be an additional legal basis of self-defence of the UK. You will be aware that it is not the practice to disclose specific government legal advice, but I can say that it is unambiguous that the Ministry of Defence agrees that the distinction between a combatant and a civilian is a fundamental principle of IHL. The UK military acts in accordance with Rule 47 as set out in the ICRC customary

Clive Lewis MP
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IHL database and more widely, the Government has been clear that managing Daesh fighters who surrender is a matter for our partner forces in Iraq and Syria, regardless of their nationality.

Our Armed Forces are global leaders in upholding the rule of law and international standards, and this reputation has only been bolstered by the UK's military action against Daesh in Iraq and Syria.

A handwritten signature in blue ink, consisting of a stylized 'G' followed by a horizontal line and a large 'W' with a horizontal line through it.

THE RT HON GAVIN WILLIAMSON CBE MP