

SPEAKERS' BRIEFINGS, APPG ON DRONES, 17 OCTOBER 2012

WHY DRONES? AN INTRODUCTION - CLIVE STAFFORD SMITH, REPRIEVE

When *Reprieve*, best known for our anti-death penalty work, started representing victims of drone strikes I was frequently asked why our focus had changed. The simple answer is that it has not. *Reprieve* investigates, litigates and educates, using the law to save lives. We aim to reunite hated individuals with the rule of law. The use of armed drones outside a war zone is nothing more or less than the death penalty without trial, without proper regulation or public scrutiny.

I have just returned from a journey with cricketer-turned-politician Imran Khan to Waziristan, in North-West Pakistan, to raise the profile of the CIA's not-so-secret drone war in the region. The CIA drone campaign terrorises thousands of men, women, and children on a daily basis in a country with which we are not at war. A recent study by Stanford University and New York University entitled [*Living Under Drones*](#) paints a picture of an aerial occupation, 24 hours a day, seven days a week. In North Waziristan as many as six drones circle a village at any one time. Local people are intimidated by their engines day and night, and refer to them as *bangana* (Pashtun for 'wasps'). They are an inescapable presence, the looming spectre of death from above.

The inhabitants' terror is reasonable: anyone can be a victim. The New York Times [describes](#) how the CIA "counts all military-age males in a strike zone as combatants...unless there is explicit intelligence posthumously proving them innocent" – without describing how a dead person can prove his innocence, or the CIA's motive for admitting mistakes.

As a result, children fear to leave the house and go to school, and adults fear to attend weddings, funerals or business meetings. Since hellfire missiles killed scores of people at a *Jirga* in 2011, local elders are afraid to congregate to settle local differences. Association with anyone can lead to death as anyone can be a target: the man driving the car in front, the woman standing by the adjacent stall in the market, the neighbour praying alongside them in the mosque. And if such fears alone do not tear at the very fibre of society, the morally repugnant practice of targeting rescuers does. This tactic sees strikes carried out on the Good Samaritans who aid those who have been injured in an initial drone attack, based on the presumption that they, too, must be militants. As a result, a leading humanitarian agency now delays assistance to innocent victims by an astonishing six hours.

Unsurprisingly, this has led to an exponential increase in diagnoses of anxiety and trauma, evidenced by the number of antidepressant prescriptions. Waziristan has become a vast prison, its impoverished occupants unable to leave, detained and terrorised without any trial or due process; then randomly executed.

The genesis of Obama's drone war is ironic: in the early days of Guantánamo Bay, extreme proponents of detention without charge insisted that the alternative was simply to kill suspects without trial. President Obama opposed the lawlessness of the Cuban prison; sadly, he has resorted to the more extreme alternative. Each drone attack is an extrajudicial killing without any due process, based on the same flawed intelligence that permeates Guantánamo Bay. For example Tariq Aziz, a sixteen year old who attended a Reprieve-sponsored *Jirga* in Islamabad in October 2011, was killed three days later after a paid informant had placed a GPS tag on his

parents' car. He and his young cousin, two juveniles on an entirely innocent mission to pick up his auntie, had been identified by a local tattletale as "four militants".

The cowboy attitude to the CIA drone war stokes passions around the world: US operators fly their Predator and (Grim) Reaper drones over potential targets called 'squirters' (those apparently wetting themselves with fear), before launching a Hellfire to turn the 'squirter' into a 'bugsplat.' Small wonder that many find the process so inhuman.

To make matters worse, drones fail in their basic mission. Not only do they unlawfully kill innocent civilians (including at least 174 children to date), and terrorise hundreds of thousands more, but they serve to increase anti-Western sentiment. They have replaced Guantánamo Bay as the recruiting sergeant for extremism. Indeed, while there is virtually nobody in Waziristan with the desire and the wherewithal to launch attacks on Europe or the USA, the drone war fuels home-grown extremism: Faisal Shahzad, a US citizen who became the failed Times Square bomber, cited the Waziristan drone war as a main reason for his homicidal pretensions. When asked why he would kill innocents, he [responded](#) that US drone strikes "kill women, children, they kill everybody."

It is easy to understand the anger. If the US were to target Julian Assange in the United Kingdom (as [Congressman Peter King, R-NY](#), and some voices in the [Washington Post](#), suggested) the response would be immediate – the RAF would shoot the Predator down, and demand diplomatic satisfaction. If the US started killing children in remote British villages, the response would be even stronger.

But drones are not just a US problem. The British Government must accept some responsibility in these acts. Indeed, GCHQ has publicly admitted that it shares intelligence with the CIA for its drones programme - thereby becoming complicit in what is clearly an international war crime. Similarly, British companies are allowed to export drone parts without any, or adequate, scrutiny. Taxpayers' money is being spent on targeting alleged militants in Waziristan, even though it makes our country less safe.

The abuse of drones is rapidly evolving - in Yemen, Somalia, Libya and, soon, in Mali. Currently, their use is illegal, counter-productive, and immoral. There could be constructive uses (for example, to bring news safely out of Syria), but military proponents promote the robot wars without meaningful public debate. This APPG can play a critical role and protect the lives of many innocent people by ensuring that the use of drones is properly discussed, regulated and monitored.

Clive Stafford Smith is the founder and director of legal action charity Reprieve. For more information visit www.reprieve.org.uk / clive@reprieve.org.uk

UNMANNED DRONES AND THE UK: SOME CURRENT ISSUES –

CHRIS COLES, DRONE WARS UK

UK Drones currently in-service

British forces are currently operating five different unmanned aerial vehicles (UAVs, commonly known as drones), in Afghanistan. The systems range from the tiny Black Hornet nano-drone to the large and powerfully armed General Atomics Reaper MQ-9.

Despite the use of drones in Afghanistan being the subject of significant and legitimate public interest, it is extremely hard to obtain information about the day-to-day operations of the UK's armed Reaper drones. Occasionally the total number of UK drone strikes are revealed (currently the number is around 320, about the same total as US drone strikes in Pakistan) but little or no detail about these airstrikes are publicly known. Parliamentary questions and FoI requests to the MoD about the Reaper are regularly rejected on national security grounds, and although the MoD insist that it is not possible to know how many people have been killed in drone strikes, at the very same time they are adamant that only four Afghan civilians have ever been killed in such operations.

While it is recognised that the legal situation in regard to drone strikes is different in Afghanistan than that of Pakistan, drone operations must abide by - and be seen to abide by - international humanitarian law. Public accountability is an important element of this, even more so when those being targeted by British drone strikes are not part of regular forces. In particular we need to know whether the UK has or would use drones for assassinations of so-called 'high-value targets'; whether all those killed in UK drone strikes were directly participating in hostilities at the time and what the balance is between strikes being carried out through dynamic targeting procedures and those carried out through pre-planned daily tasking orders.

Future development of unmanned drones

While armed drones currently in-service are remotely controlled by pilots on the ground, the generation under-going development at the moment (Mantis and Taranis) will fly autonomously, following pre-programmed flight-paths. Research into greater autonomy for drones is rapidly moving us from humans being 'in the loop' to humans being 'on the loop'. The concern is to ensure that we do not move towards humans being 'out-of-the-loop'.

With regard to use of drones within civil airspace, current Civil Aviation Authority (CAA) regulations do not allow drones to fly within civil airspace except under severe restrictions. In order to change this a government/industry funded programme called ASTRAEA (Autonomous Systems Technology Related Airborne Evaluation & Assessment) is focused on putting in place the technologies, procedures and regulations that will allow autonomous unmanned vehicles to operate routinely in UK civil airspace.

However neither the CAA nor ASTRAEA say they have the responsibility or the resources to investigate the civil liberties/privacy issues arising from the regular use of drones within civil airspace. The European Commission has announced it is working to open European civil airspace to unmanned drones by 2016.

Proliferation of drone technology

The proliferation of UAVs is controlled through the Missile Technology Control Regime (MTCR). A recent US Congress report however has confirmed a huge rise in the number of countries that now have some form of military unmanned aerial systems, from 41 countries in 2005 to 76 as of December 2011. While only three countries are known to have used armed drones (Israel, US, UK) it cannot be long before more countries join this list.

Chris Cole is the founder of Drone Wars UK. For further information, see www.dronewars.net