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Transcript

Targeted Killings and Drones: A Global Battlefield

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Patricia Lewis:

Welcome everybody. My name is Patricia Lewis. I'm the research director here for international security. It's my great honour and privilege to be introducing this event to you and moderating the evening. The title of the event is *Targeted Killings and Drones: A Global Battlefield*, and we are going to be treated to some excerpts from the new film, *Dirty Wars*. First of all, before I begin, I want you to please remember that this is on the record, it will be live streamed. I'd like you to put your phones on silent mode but keep them out and tweet with the hashtag CH13, and then to remind you, if you need any reminding, that afterwards we'll have a drinks reception upstairs to which everybody is welcome.

And to begin by introducing our first speaker. Jeremy Scahill is the national security correspondent for *The Nation* magazine, and is a Puffin Foundation writing fellow at The Nation Institute. Jeremy is the author of a *New York Times* bestseller, *Blackwater: The Rise of the World's Most Powerful Mercenary Army*. He has reported from Afghanistan, Iraq, Somalia, Nigeria, Yemen, the former Yugoslavia and various other places around the world, usually where there's conflict and difficulties. He has been twice awarded the George Polk Award and has been named one of the nine recipients of the Donald Windham-Sandy Campbell Literature Prizes at Yale University. Jeremy is going to share his experiences and insights from investigating US covert counterterrorism operations for the documentary *Dirty Wars*.

The executive producer and UK distributor BRITDOC is in the room and I hope will be at the reception afterwards for those of you who want to meet with them, and I thank them profusely for letting us have some of the film. It will be in locations, he shows experience from locations such as Afghanistan, Yemen, and Somalia. Then later we'll go to our second speaker, Ben Emmerson, who will discuss the UN inquiry into US drone strikes, and together with you and the questions that we get from the live stream and Twitter will examine the policy of targeted killings and the global scope of the so-called war on terror. Jeremy, welcome.

Jeremy Scahill:

As we were coming over here I was like, how the hell am I ending up at Chatham House! Just in the interests of transparency in this time of secrecy, I am a college dropout, I was an atrocious student. I thought I wanted to be a teacher in life and then I got to university and realized that I was such a bad student I didn't want to inflict any further pain on teenagers in the United

States! I didn't really know what I was doing with my life, and I hitchhiked from the city I grew up in, Milwaukee, Wisconsin. Both of my parents are nurses, they, of course, sort of wanted to kill me for leaving college but I remember my dad said to me don't let school get in the way of your education when I went.

I moved into this homeless shelter in Washington DC. It was the nation's largest homeless shelter and it was two blocks from the epicentre of power in the United States, and a lot of what I was doing at this homeless shelter in DC was working with homeless veterans, and it was shocking to me as a young person, I didn't know anything about this, I didn't come from a military family, that so many veterans from the Vietnam War, some of them from the Korean War, didn't have any healthcare and were living on the streets. I started taking them to doctors' appointments, and I was mopping floors and cleaning toilets and I started listening to a lot of talk radio, and I heard this woman on the air one day named Amy Goodman who hosts a show in the United States called *Democracy Now*. I heard her reporting about rebels in the Congo fighting to overthrow the US backed regime of Mobutu Sese Seko, and then she was grilling then House Speaker Newt Gingrich about his, what I think clearly was a war on the poor in the United States, and then she was reporting on the genocide of the Indonesian military junta in East Timor, and on social justice struggles around the United States, and I said I want to do what she does. And for some of the younger people in the audience who may not be familiar with some of the terms I'm about to use, I used a pen and wrote her what we used to call a letter and put it in this thing called an envelope, and then I did a very bizarre thing by licking something called a stamp, and put...!

Anyway, so I sent her a letter, she never responded, I kept sending her letters and eventually I started to stalk her. Not in a creepy way, just I would go to events where she was and I remember going up to her and she claims that I started in the middle of a sentence, I think it actually had a beginning, but I said if you have a dog I'll walk your dog, or if you have a cat I'll feed your cat, I'll wash any windows that you have but I just want a chance to work with you. And I think she had to decide whether she wanted to get a restraining order from the authorities against me or actually let me come in and volunteer.

So, I went in to this radio station in New York City called WBAI and it reeked of marijuana, there were people sleeping on the floors, and it was just an endless stack of reel to reel tapes and newspapers, and Amy Goodman let me volunteer. So I learned journalism. I've never taken a journalism course in my life, I learned journalism as a trade, the way you would learn to be a carpenter or an electrician or a plumber. And I tell you this because I know

that there are very prominent people in this room and people with probably more degrees than my entire family combined just on their own person, and I say this because the way that I view the world is informed by a belief that journalism should be accessible to people and that it truly is a working class profession. And more than a career, it's a way of life, and I always have dirt under my fingernails, not because I'm an unhygienic person but because I believe in being out in the field and in seeing people and going to places, particularly where people are living on the other side of the missiles that our societies launch at them, to try to put a human face on these wars.

Oftentimes in the United States, and I'm sure it's true to an extent here, the only human face we ever see from these wars are the faces of soldiers, and missed in all of this are the stories of the people who live in Yemen, or Pakistan, or Somalia, or Afghanistan, or Iraq, or in other areas where there are declared or undeclared wars. When we set out to make this film Barack Obama had just come into office and it was quite clear that he was going to be intensifying the war in Afghanistan, and intensifying an aspect of the war in Afghanistan that had not been reported on very much in the broader media, and that is the night raids and the targeted killing operations. As we started to investigate who was doing these night raids and the targeted killing operations inside of Afghanistan, we discovered that the lead force responsible for many of the raids were commandos from the entity of the US military called the Joint Special Operations Command, JSOC. Now JSOC is well-known now around the world as the men who killed Osama bin Laden, but there were 20,000 plus other raids that have been done in Afghanistan that we know almost nothing about, and those were not worthy of White House leaks talking about a dog named Cairo and the heroics of commandos, there were pregnant women that were killed, and then there was a cover-up by the unit.

There was a faulty intelligence system that would regularly lead to the killing of Afghan police officials by someone who wanted to settle a score against them. There were people in Yemen who were hit in cruise missile attacks on the belief that they were operating an Al-Qaeda training camp but it turned out to be a village of Bedouins, and we wanted to try to paint a picture that had a human element to it but also to tell a story about what it's like to report on these struggles. So the first video clip that we're going to show - and I want to say that I want to thank you very much for having us here and having this opportunity to share this with you, and it really is our honour to be here. The first clip that we'll show is simply the trailer of our film which debuts here in

London on Friday evening, so we can roll that and then move onto the other ones.

[Video clip plays – *Dirty Wars* trailer]

Patricia Lewis:

That's just the trailer!

Jeremy Scahill:

So, of course I'm sure everyone in this room has been following with interest the story of Edward Snowden and the revelations about the National Security Agency and, of course, British Intelligence. David Miranda, who's a friend of mine, the partner of Glenn Greenwald, was detained here at Heathrow Airport. I think it was absolutely despicable. I think that the conduct of the British authorities towards David Miranda was reprehensible, and I think the implication that he had anything to do with terrorism would be laughable if it wasn't so vicious and I think it's a total smear campaign against him, and I also think that there is an inherent racism to what happened there. So I just wanted to - that will be my one editorial statement tonight.

The reason I raise the NSA though is because Senator Ron Wyden of Oregon has been on the Senate Intelligence Committee since September 11 and he has been one of the few political figures in the United States that under both Republican and Democratic administrations has tried to confront what is effectively a power grab by the executive branch of the US government, that really in many ways was the life's work of people like Donald Rumsfeld and Dick Cheney and has continued and in some ways intensified under our constitutional law professor President Barack Obama. And what we effectively have right now in the United States is a dictatorship of the executive branch when it comes to setting counterterrorism policy or what is called national security policy.

Ron Wyden has been really pressing the White House to defend how this is in the interests of democracy and how it is actually constitutional in the United States, and he was one of the only political figures in America to raise very serious questions about the standards that were being used to place individuals on kill lists, maintained by the Central Intelligence Agency and by the US military, primarily through the Joint Special Operations Command. And when I went to interview him in his office for this film he was required to

have a lawyer from the Intelligence Committee sitting just off camera while we were conducting the interview, to ensure that no classified information was going to be discussed during the course of our talking, and I was asking him about the extent to which the White House has provided Congress with information about the legal standards that they were using to justify the pre-emptive targeting, particularly of American citizens, but also of non-American citizens, and so this is part of the interaction that I had with Senator Ron Wyden.

[Video clip – *Dirty Wars* featuring US Senator Ron Wyden]

Jeremy Scahill:

So the point that, I think it's clear the point that Senator Wyden is making, but just to break it down a little bit further, he is mandated by US law as a member of the Senate Intelligence Committee and he takes a separate oath beyond just his oath of office that has to do with the protection of classified information. They are required to be briefed on covert actions and actually the law states that they are supposed to be briefed on them before they take place, but if there are extenuating circumstances they need to be briefed within 48 hours of a covert action taking place. And what he's saying is that the White House under President Obama, and this was certainly true under President Bush, is systematically refusing to provide even the members of the intelligence committees with the legal rationale for a variety of covert actions.

And what he is also saying is that there are various laws on the books in the United States that if you or I were to read them, we would interpret them probably in generally the same way, and what he's saying is that there are legal acrobatics being done in secret, so that they are redefining terms such as imminence. We saw that when this Department of Justice White Paper was leaked on the eve of John Brennan's confirmation hearings to become the CIA Director. The US Department of Justice twisted the definition of the word imminent to include anyone who has ever been suspected of being in a terrorist organization, they represent an enduring imminent threat to the national security of the United States and therefore killing them pre-emptively is justified. Now, I don't think that's how most reasonable people would define the term imminent, but that is how the Justice Department has defined it for purposes of its targeted killing programme, and so what he's saying is that they're subverting the democratic process by secretly interpreting laws and not allowing the American public to have an understanding of how the authorities are interpreting those laws.

The third clip that we're going to play deals with Somalia. I had gone to Somalia in the summer of 2011 to investigate a series of killing operations that had happened around Mogadishu and in the South of Somalia targeting the al Shabaab organization, and when I arrived at Aden Adde Airport, at that time it was the last throws of al Shabaab's hold on part of Mogadishu and there was fierce fighting between the African Union forces, backed by the United States and Britain and other nations, and al Shabaab. I thought I was just going to be travelling around with warlords who were hunting down members of al Shabaab, but when we landed we saw what clearly looked like a forward operating base that you would see in Afghanistan or somewhere else, and it was a walled compound with a number of buildings and hangars inside and there were some small aircraft in it. Soon after arriving we started to investigate it and spoke to Somali intelligence officials and it turns out that it is a new CIA facility that has been built and positioned at the airport in Mogadishu at the opposite end of the airport from the African Union forces, and from that base the CIA is paying Somali operatives \$200 a month in cash, they line them up and pay them, to run an outsourced kill/capture campaign in and around Mogadishu against al Shabaab, and part of that programme has the United States putting warlords on the payroll.

Now, this is not something new. This began soon after 9/11 but it has continued and it now exists in a different life form under President Obama. The US is also utilizing a secret prison under President Obama that is in the basement of Somalia's National Security Service, and it is technically run by the Somalis so that the White House can say we don't run a black site, but American personnel from the CIA and also from French intelligence are regularly interrogating individuals there, some of whom have been rendered from neighbouring countries. One case in particular I looked at was a gentleman who was snatched from his neighbourhood in Nairobi and then flown to Somalia, and he's a Kenyan citizen, and then held in this prison, and US officials confirmed to me that he in fact was rendered at the request of the United States and this is under Barack Obama.

So in this clip I'm travelling with a notorious Somali warlord named Inda'ade, who was one of the people that the United States was working with to hunt down and kill individuals they believed were affiliated with Harakat al Shabaab Mujahideen, al Shabaab.

[Video clip – *Dirty Wars* featuring Jeremy Scahill in Yemen]

Jeremy Scahill:

Great guy! You know he's actually, that's actually an old version, we had it retranslated and he's talking about, he actually is saying that they bury people alive which is, it was even worse than we initially thought in the rough translation of it. And the final clip deals with the first strike that we know of that President Obama authorized against Yemen. President Bush during his time in office, much of his Yemen counterterrorism policy was focused on trying to apprehend or kill the individuals involved with the bombing of the USS Cole in October of 2000, which killed more than a dozen members of the United States military. And there was only one known drone strike that took place in Yemen. In fact it was the first drone strike that we know of outside of Afghanistan early on in the declaration of the so-called 'war on terror', and it was in November of 2002 and six individuals were killed. Interestingly an American citizen was killed in that drone strike though he wasn't believed to be the target of it, and Condoleezza Rice, who at the time was the national security advisor, argued publicly that the US had a right to kill its own citizens in Yemen and that there are no human rights or legal questions raised by it, but it got almost no attention at the time. I just discovered that by researching this.

So, when President Obama came into office he was briefed by General Stanley McChrystal who was the commander of the Joint Special Operations Command under President Bush, Admiral William McRaven who then took over the Joint Special Operations Command and is now in charge of all US Special Operations Forces across the globe, General David Petraeus, one of the most powerful figures in modern American military history and then the heads of all of the US intelligence agencies, and they collectively pushed him to continue the Bush era authorizations that boiled down to the world is a battlefield, and to do away with the notion that the United States needed any more legal justification to attack countries outside of Afghanistan or Iraq than its own passage of the authorization for the use of military force, the so-called blank cheque that was given to Bush after 9/11.

And President Obama bought into that idea and basically took a position that where there is a terrorist threat we will strike, and in Yemen Al-Qaeda in the Arabian Peninsula was rising in its influence and was increasingly popping up under the US counterterrorism radar and Obama is briefed on what he is told is an Al-Qaeda training camp in Abyan province in a small village called al-Majalah and he signs off on it after receiving the legal go ahead from Harold Koh, who was the State Department legal advisor responsible for reviewing the targeted killings programme, and Jeh Johnson who was the general

counsel at the Pentagon. And it turns out that it was not in fact an Al-Qaeda training camp and that the majority of the people killed in the strike were women and children, and the US actually used cluster bombs in this operation, they're like flying landmines, that most nations in the world believe should be banned, but the United States continues to use them. And when this strike happened the Yemeni government, the dictatorship took public responsibility for the strikes and said, we conducted the successful counterterrorism operation against Al-Qaeda, and the United States then sent a note of congratulations to the Yemeni regime saying, thank you for a job well done in attacking Al-Qaeda, but we now know that it in fact was a US strike and this is part of the film that deals with when we travelled to interview people that survived the al-Majalah strike.

[Video clip – *Dirty Wars* featuring Jeremy Scahill in Somalia]

Jeremy Scahill:

The reason that we know that this was a US strike is because a very brave Yemeni journalist named Abdulelah Haider Shaye travelled to the scene of the strike after it took place and he photographed the missile parts, some of the unexploded cluster bombs, the general dynamics, delivery systems for the tomahawk cruise missiles, and provided them to Amnesty International and other human rights groups, who then had them reviewed by munitions experts and it was determined beyond a shadow of a doubt that the only nation in the world that possessed that specific set of munitions was in fact the United States. And that journalist, without getting into too much detail about it, was ultimately abducted from his home by Yemen's US-backed forces in their intelligence service and he disappeared for 30 days, then was put on trial in a special tribunal set up to prosecute journalists and political dissidents in Yemen, and he was sentenced to five years in prison for being an Al-Qaeda facilitator. There were widespread demands from international human rights organizations and media freedom organizations for his release. His trial and the court itself were condemned as shams by every major media freedom organization in the world and he remained in prison.

The dictator of Yemen was being pressured from within and outside of Yemen to release him and he decides he is going to pardon him because it was causing too many domestic problems for him and was being asked about it by international diplomats. So news leaks in the Yemeni media that Ali Abdullah Saleh is going to pardon Abdulelah Haider Shaye. That day he receives a phone call from the White House, not from some staff who are on the National

Security Council, but from President Obama personally saying that the United States is disturbed at reports that he was going to release this journalist, and the pardon was torn up. How do I know that President Obama made that phone call? Because I have a copy of the White House readout from that telephone call showing clearly that the White House intervened in that case, and when I pressed them on this as to why he was in prison they said that he is dangerous, and I asked them to provide any information that would suggest that he had something to do with terrorism other than interviewing members of Al-Qaeda and exposing a US missile strike, and they said that's all the comment that we have about it.

He was finally released about three months ago but he's under a default form of house arrest. He's not allowed to leave the Yemeni capital, he's not allowed to have a passport and he's not allowed to be a journalist. I'm going next weekend to Geneva with Iona Craig, a fantastic journalist for *The Times of London*, and we are going to receive on his behalf a human rights award, because he is not able to actually travel and he is still not free and he believes that it is at the insistence of Washington that he remains in this form of confinement. And with that I'll thank you for your time and look forward to hearing your questions or your comments. Thank you very much.

Patricia Lewis:

Well, thank you very much indeed, Jeremy. I am now going to introduce Ben Emmerson, QC, who is the special rapporteur on the *Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism*. He took up his functions on 1 August 2011. He is a practicing barrister in London with 25 years of experience in domestic and international human rights law, international humanitarian law and international criminal law. He has litigated extensively in domestic courts, the European Court of Human Rights, the International Court of Justice, and International Criminal Tribunal for the Former Yugoslavia, and he has also, included in that, done work on domestic and international terrorism cases. He was special advisor to the prosecutor of the International Criminal Court and special advisor to the Appeals Chamber of the Extraordinary Chambers in the Courts of Cambodia, the Khmer Rouge tribunal, and has published and lectured widely on international law, international human rights law and humanitarian law, and is the editor and co-author of a number of practitioners manuals on criminal human rights law. Ben.

Ben Emmerson:

And unfortunately I don't have a film to keep you amused, only the spoken word! I think it's very apposite that by chance that this evening's session has been billed as targeted killing and drones, rather than targeted killing by drones or drones as part of targeted killing, because they are, as we have come to learn over the past few years, two very, very different things, and Jeremy's film first and foremost is about targeted killing. It's about a strategy, expanding strategy, adopted by the United States through JSOC, of targeting particular individuals usually, or groups, for assassination using a variety of different means, and we'll come on and talk a bit in a moment or two about the legality surrounding some of that.

Drones are a different thing. Drones are a weapons delivery system, which are used in conventional theatres of conflict as well as in theatres of conflict where there is dispute as to what the applicable legal framework is. And the work that I have been doing through my mandates since really the beginning of this year, and in response to requests from a significant number of states who made a joint statement to me calling on me to do it, is to look into the way in which states, and for that you can read the United States, the United Kingdom and Israel, have used drone technology as a means of mounting counter-insurgency and counterterrorism operations, and I've spent the last 10 months or so engaging in a variety of different ways in trying to get to the bottom of some of the legal and factual issues that are involved.

I have to say, I haven't encountered as much resistance from governmental sources as I had expected to encounter. I have had very high levels of cooperation from the United Kingdom, for which I am extremely grateful. I have had promises of high levels of cooperation from the United States, and so far good levels of cooperation, and I've been able to meet with John Brennan, the director of the CIA, with very senior members of the White House National Security staff and pretty much all of those who in one way or another have been involved in the development of the strategy and the defence of the United States strategy against mounting criticism.

So a picture, a reasonable picture has begun to evolve, both of the factual questions and of the legal ones, but I have to say in the end getting across the message isn't really just about analysing some of these extremely complicated, as it happens, and extremely difficult legal questions. I'd like to say the answers are very simple legally, they're not, and the reality is that there is a near consensus across left and right amongst the legal academy in the United States that the basic analysis of a law of armed conflict approach

to fighting international terrorism is correct. That is not a view which is shared by the academy in all parts of the world and it's an extremely difficult problem resolving where one analysis starts and another one ends, and you're very often comparing two completely dissimilar approaches, but it always seems to me that it's vital - perhaps this is me as a practicing lawyer - it's vital to start with the facts, which is why films like Jeremy's film are so vitally important.

Over the last 30 years or so we've all seen films and images and photographs that we could probably call to mind that change history, whether they're the napalm photographs during Vietnam or whether they're some of the footage that was broadcast during the Kosovo conflict that provoked the NATO intervention and changed the course of the Balkan Wars and the map of the Balkans, whatever it is, and one can think of those moments. This film is one of those moments because it has gone down beneath the debate that operates at a theoretical level, and we can have fun in a minute with the legal arguments but there is no right answer to some of the legal questions. There's no right answer in the sense that you can find two perfectly reasonable people who are extremely well informed and able in their field, who will take an opposite position or a different position on almost every single slice of the complex range of legal questions that arise.

So the answer isn't going to be found in one person or one group of people loudly proclaiming the fact that they're right. It's not going to be found by lawyers in Europe saying terrorism shouldn't be fought on a war paradigm, it should be fought purely as a law enforcement paradigm. That is a view closely held by many lawyers, many academics in Europe, but it isn't going to resolve the problem when the opposite view is held by those who are advising the most powerful nation in the world. What needs to take place is a constructive debate, but a debate that happens against the background of a real understanding of the faces and the people who are being killed as a result of these strategies.

It's not just about statistics. It's not just about individuals. I've made it very clear in my dialogue with states that I am absolutely open to listening to and critically and fairly analysing their arguments, and I think that the states involved believe me, because they will have seen from the work that I've done and from the interim report that I've put forward to the UN General Assembly in October that I have tried fairly to do justice to their positions and to ensure that they are taken seriously and brought to the debating table in a way which doesn't involve the classic more heat than light. But I've also made it clear to them that in the final report we will have photographs of the faces of the

victims, that they will be named, that the realities will be made clear wherever possible.

Now, that's not to say, and I want to make it absolutely clear, you can have a photograph, you can have an image, you can have a story, you can have an interview of somebody who is a civilian or a group of civilians who have lost their lives in conflict, without that being a war crime or even a violation, a non-criminal violation of the laws of war. The ghastly thing about war is that people get killed and not every civilian death necessarily involves illegality. But equally, where there are known to be significant numbers, and to me anything more than de minimis civilian casualties are significant, that undoubtedly raises questions of transparency and accountability, and that really is where this debate now lies in relation to drones and targeted killing; that's where the two sides begin to coincide again, and really what the issue is that they have in common, which has been this blanket secrecy.

The only two recommendations that I made in my interim report, other than setting out what seems to me to be the core factors of the competing positions that have been taken by different states and by different stakeholders, to use the dreadful term, in this framework, were both of them related to accountability and transparency. So I borrowed from the work that has been done, really brilliant work that has been done by the Turkel Commission, which was established by the State of Israel in order to examine whether its own mechanisms for investigating violations of the laws of war in its military activities met with international standards, which sounds like a simple question of auditing but in fact there's no such thing because there was no consensus prior to the Turkel Commission report as to what international standards required in terms of the depth of investigation, the independence of an investigation where civilians are said to have lost their lives in the context of a conflict.

It seems odd. We have a very well developed body of international human rights law jurisprudence determining what the requirements are of an independent investigation into a death or even into an act of torture, but humanitarian law had no similarly developed principles. There were certain rudimentaries but that level of the requirement for genuine operational independence, the requirement to ensure that evidence is promptly secured, that the type of thing that we now see journalists having to garner together is actually being garnered together by professional investigators with an open mind and a genuinely objective agenda in getting to the truth about what has happened. When are those obligations triggered? Well the Turkel Commission in my view rightly said you can't say that merely because there's

been a civilian death there's been a war crime, but what you can say is that whenever there has been a civilian death which was not anticipated, there must be an independent investigation.

Sometimes we know states will anticipate civilian casualties and in doing that they will make an assessment that a certain number of civilians are a proportionate price to be paid for a legitimate military target of high value, but we are, at least for the purposes of this argument, in the fortunate position that none of the players, apart from Israel, makes that argument. Israel does occasionally rely on the principle of proportionality in justifying civilian casualties in Gaza, but the United Kingdom's position, on the record through my report, is that it will never authorize the use of force in Afghanistan, drones or otherwise, where it is believed that there will be a single civilian casualty. That is the position of the United Kingdom Ministry of Defence. Whether that inevitably and always is carried into effect is a different question, but it is an important point because it means that whenever a civilian has died, it is an unexpected civilian death, and therefore for that reason there must be an investigation.

The same is true of the United States position now post the President's 23 May speech in which he has said that nothing short of near certainty that there will be no civilian deaths or injuries outside areas of active hostilities, so for example Yemen, Somalia, and elsewhere, and Pakistan, nothing short of near certainty would justify the standard of authorizing a kill. So the United States too is not claiming that a certain number of proportionate civilian casualties is an acceptable level to live with. Therefore it follows that there is a legal obligation internationally in each case to conduct the investigation, and that really for me is where the legal side of the debate now needs to focus.

So I can say two things in closing. This is a moving picture. Things are changing very, very quickly. The United States is in debate with the European Union, the European Union is formulating its own policy, but most important of all, I think, just on Tuesday the General Assembly - it's the first time anything I've ever done for the UN has actually borne immediate fruit - adopted a resolution on Tuesday picking up the interim report recommendation that states must now come together and agree the legal principles on which it is lawful to use force to target dissidents or those they label as terrorists in fatal attacks on the territory of other states as a matter of immediate urgency. And so phase two of my report is to get states to come off the fence now and say, well, do you agree with the US analysis, which effectively means the law of war spreading to fill up all of the available gaps in international legal and

practical space, or do you have your own theory? Is it closer to the theory of the Red Cross and so on? So that debate is now ongoing.

The other thing, which I think passed to some extent without comment but is also an important development, is the adoption, and perhaps I understand why it has been passed without comment, partly because at the moment that Senator [Dianne] Feinstein's National Security Committee is not in the [inaudible] ... amongst the liberal left in the United States, partly because of its involvement in the Snowden affair which has been less than glorious. But they did adopt two weeks ago draft legislation, the effect of which will be to require the United States to disclose all civilian casualties, and that's a big step.

So things are moving, but they will not move by paper exercises. They're not helped by shrill statements of who is right and who is wrong about the law. I personally will not be drawn on what view I take on any of the legal issues, because I don't think it matters what I think, what matters is what states think. But whilst this debate is going on, having available the sort of information which quality, responsible journalists like Jeremy are able to put into the public domain is the way in which you engage the public, because in the end this isn't a debate to be had amongst lawyers or the Harold Kohs or the Ben Emmersons of this world. This is a debate that needs to take place with the real stakeholders, the human beings who these governments purport to represent.