

Rt Hon Philip Hammond MP
Foreign and Commonwealth Office,
King Charles Street,
London,
SW1A 2AH

c/o Tom Watson MP
House of Commons,
London,
SW1A 0AA

19 November 2014

Dear Mr Hammond

We are writing as the Chair and Vice-Chairs of the All Party Parliamentary Group on Drones, Chair of the Birmingham Policy Commission on the Security Impact of Drones ('the Commission') and Director General of the Royal United Services Institute to request that your Department consider disclosing the Guidance to Intelligence Officers and Service Personnel applicable to the passing of intelligence relating to individuals who are at risk of targeted lethal strikes outside traditional battlefields ('the Guidance'). We invite you to consider disclosure of the Guidance following (i) the recommendations of the Commission published on 22 October and (ii) your Department's limited response to Parliamentary Question dated 16 October concerning application of the principles in the published Guidance to Intelligence Officers and Personnel on the Passing and Receipt of Intelligence Relating to Detainees.¹

¹ Written question by Tom Watson, HC Deb 16 October:

<http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2014-09-26/209539/>. Full title is 'Consolidated Guidance to Intelligence Officers and Service Personnel on the Detention and Interviewing of Detainees Overseas, and on the Passing and Receipt of Intelligence Relating to Detainees.'

We believe that there is an increasing public interest in disclosure of the Guidance and restrictions concerning the passing or use of UK intelligence. This interest is now recognised by academic institutions, think tanks, human rights NGOs and within the intelligence services. It is in keeping with the recommendations of the Policy Commission², Defence Committee³ and Intelligence and Security Committee.⁴

In our view, disclosure of the Guidance, setting out the principles which govern intelligence sharing consistent with UK domestic and international law, in the context of the US covert drone programme, would serve to safeguard the important work of UK intelligence officers pursuing their statutory functions. Disclosure would reassure an anxious public that the UK government will protect personnel from inadvertent collusion in counter-terrorism operations contrary to our understanding of the law. It would also underline the distinction between Reaper strikes by our armed forces in Afghanistan, and now Iraq, and those of other states elsewhere.

We consider that disclosure of the principles governing intelligence sharing in this context could not impact adversely on individual operations. Nor would it, in our assessment, damage strong bilateral relations. To the contrary, as the recently published Birmingham Policy Commission on the Security Impact of Drones finds, relations may be enhanced as NATO allies work towards a common position on the lawful use of armed drones.

In deciding whether to disclose the Guidance, we invite you to give particular attention to the Commission finding that safeguarding arrangements

² Policy Commission Report citing evidence of the Chief of Secret Intelligence Service at page 49:
<http://www.birmingham.ac.uk/Documents/research/policycommission/remote-warfare/final-report-october-2014.pdf>

³ Defence Committee RPAS Current and Future UK use:
<http://www.publications.parliament.uk/pa/cm201314/cmselect/cmdfence/772/77206.htm#a43>

⁴ Intelligence and Security Committee Report on Rendition 2007 cited at page 49 Policy Commission

are a form of mitigation, and may prove useful evidence of a state's intent. We are concerned that failure to confirm that such safeguarding arrangements exist undermines the assurances of Government and could make it harder, if issues arise, to defend the UK's actions.

In the light of these matters, we hope that you will follow the precedent established by the disclosure of the Consolidated Guidance to Intelligence Officers and Service Personnel on the Detention and Interviewing of Detainees Overseas,⁵ and disclose the Guidance.

We are happy to discuss this further.

We will place a copy of this letter, and your response, in the public domain.

Yours sincerely,

Tom Watson MP

A handwritten signature in black ink that reads "Tom Watson" with a horizontal line underneath.

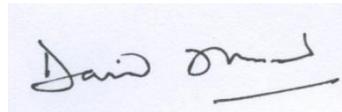
David Davis MP

A handwritten signature in black ink that reads "David Davis" with a horizontal line underneath.

⁵https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/62632/Consolidated_Guidance_November_2011.pdf

A handwritten signature in black ink, appearing to read 'Vivien Stern', with a large, stylized flourish at the end.

Baroness Vivien Stern

A handwritten signature in black ink, appearing to read 'David Omand', with a horizontal line underneath.

Professor Sir David Omand

A handwritten signature in black ink, appearing to read 'Michael Clarke', with a horizontal line underneath.

Professor Michael Clarke

