

LAW SCHOOL LEARNING THROUGH FILM: 'EYE IN THE SKY'



In conjunction with teaching on the laws of war in Professor Suzannah Linton's course on International Criminal Law, the Law School hosted a movie evening for students. Earlier in the day, students learned about the principles and rules that apply in armed conflict. They were introduced to essential principles such as the distinction between civilians and combatants, the rule that only military objectives can be targeted, the duty to take precautions in attack including in relation to considerations of proportionality, and the meaning of 'collateral damage'. In the evening, students watch Gavin Hood's film, 'Eye in the Sky' (Entertainment One Productions) after sharing a light meal together.



The object of interest in a Somali militia controlled neighbourhood of the Kenyan capital, Nairobi



Operating the Reaper drone from Creech Air Force Base, Ground Control Station



The rarely-seen, always watching, all-powerful 'Eye in the Sky', star of the film

British actors Helen Mirren and the late Alan Rickman starred in this action thriller that presented a multi-national operation against terrorists in 'a friendly country that is not at war', Kenya. The technological hook-ups between the different participants in this operation took viewers from an international arms fair in Singapore, to the UK's Permanent Joint Headquarters in London to Hickam Air Force Base in Hawaii to the Kenyan Army's Company D Base to the UK's Ministry of Defence, all having a bird's eye view of comings and goings in a neighbourhood of Nairobi controlled by Somali militia.

Students watched as the lead character, Col. Katherine Powell, and her colleagues narrowed in on al-Shabaab terrorists, including a high-value British national, a woman who had been radicalised and involved in major acts of terror over the years. The original mission was simply to capture this high-value terrorist and return her to the UK to stand trial. However, as the plot unfolded, the situation got more complicated, and the tensions of ethics, law, politics, saving human lives, and military necessity became more pronounced. The evolving story line demonstrated the sorts of considerations that had to be taken into account in order to turn a mission to capture into a mission to kill, and the launching of a Hellfire missile from an MQ9 Reaper drone hovering above the house where the targets were. The pressure for a decision was matched by buck-passing between the military, the lawyers and the politicians. And into all of this, came a bird and a beetle drone, would-be suicide bombers and a little girl selling bread.

After the film ended, there was a lively discussion over whether this was actually an armed conflict situation to which the laws of war applied, and whether there would in real life really be such soul-searching over the saving of one single life.

KEY LEGAL PROVISIONS FOR EYE IN THE SKY

THE RIGHT TO LIFE IN IHL (LAW ENFORCEMENT)
Article 2 of the European Convention on Human Rights (just an example)

1. *Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.*
2. *Deprivation of life shall not be regarded as inflicted in contravention of this Article when it results from the use of force which is no more than absolutely necessary:*
 - (a) *in defence of any person from unlawful violence;*
 - (b) *in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;*
 - (c) *in action lawfully taken for the purpose of quelling a riot or insurrection.*

TAKING OF LIFE IN IHL (ARMED CONFLICT)
Additional Protocol I of 1977

Article 48 — Basic rule

In order to ensure respect for and protection of the civilian population and civilian objects, the Parties to the conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives.

Article 51 — Protection of the civilian population

1. *The civilian population and individual civilians shall enjoy general protection against dangers arising from military operations. To give effect to this protection, the following rules, which are additional to other applicable rules of international law, shall be observed in all circumstances.*
2. *The civilian population as such, as well as individual civilians, shall not be the object of attack. Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited.*
3. *Civilians shall enjoy the protection afforded by this Section, unless and for such time as they take a direct part in hostilities.*
4. *Indiscriminate attacks are prohibited. Indiscriminate attacks are:*

Students considered some of the key legal provisions. They discussed whether the drone pilot was correct to refuse to fire, the meaning of proportionality and the high levels of stress experienced by drone operators in such missions.

