

# Targeted Killing In International Law Oxford Monographs In International Law

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## **The Transformation of Targeted Killing and International Order**

More so than in the past, the US is now embracing the logic of preventive force: using military force to counter potential threats around the globe before they have fully materialized. While popular with individuals who seek to avoid too many “boots on the ground,” preventive force is controversial because of its potential for unnecessary collateral damage. Who decides what threats are ‘imminent’? Is there an international legal basis to kill or harm individuals who have a connection to that threat? Do the benefits of preventive force justify the costs? And, perhaps most importantly, is the US setting a dangerous international precedent? In *Preventive Force*, editors Kerstin Fisk and Jennifer Ramos bring together legal scholars, political scientists, international relations scholars, and prominent defense specialists to examine these questions, whether in the context of full-scale preventive war or preventive drone strikes. In particular, the volume highlights preventive drones strikes, as they mark a complete transformation of how the US understands international norms regarding the use of force, and could potentially lead to a ‘slippery slope’ for the US and other nations in terms of engaging in preventive warfare as a matter of course. A comprehensive resource that speaks to the contours of preventive force as a security strategy as well as to the practical, legal, and ethical considerations of its implementation, *Preventive*

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Force is a useful guide for political scientists, international relations scholars, and policymakers who seek a thorough and current overview of this essential topic.

### **International Law and the Classification of Conflicts**

The world's only annual publication devoted to the study of the laws of armed conflict, the Yearbook of International Humanitarian Law provides a truly international forum for high-quality, peer-reviewed academic articles focusing on this highly topical branch of international law. Ease of use of the Yearbook is guaranteed by the inclusion of a detailed index. Distinguished by its topicality and contemporary relevance, the Yearbook of International Humanitarian Law bridges the gap between theory and practice and serves as a useful reference tool for scholars, practitioners, military personnel, civil servants, diplomats, human rights workers and students.

### **Killing Terrorists**

“A trenchant summation” and analysis of the legal rationales behind the US drone policy of targeted killing of suspected terrorists, including US citizens (Publishers Weekly, starred review). In the long response to 9/11, the US government initiated a deeply controversial policy of “targeted killing”—the extrajudicial execution of suspected terrorists and militants, typically via drones. A remarkable effort

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was made to legitimize this practice; one that most human rights experts agree is illegal and that the United States has historically condemned. In *The Drone Memos*, civil rights lawyer Jameel Jaffer presents and assesses the legal memos and policy documents that enabled the Obama administration to put this program into action. In a lucid and provocative introduction, Jaffer, who led the ACLU legal team that secured the release of many of the documents, evaluates the drone memos in light of domestic and international law. He connects the documents' legal abstractions to the real-world violence they allow, and makes the case that we are trading core principles of democracy and human rights for the illusion of security. "A careful study of a secretive counterterrorism infrastructure capable of sustaining endless, orderless war, this book is profoundly necessary." —Katrina vanden Heuvel, editor and publisher of *The Nation*

### **The United States, International Law, and the Struggle against Terrorism**

The events of September 11 and subsequent American actions irrevocably changed the political, military, and legal landscapes of U.S. national security. Predictably, many of the changes were controversial, and abuses were revealed. The United States needs a legal framework that reflects these new realities. Legislating the War on Terror presents an agenda for reforming the statutory law governing this new battle, balancing the need for security, the rule of law, and the constitutional rights that protect

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American freedom. The authors span a considerable swath of the political spectrum, but they all believe that Congress has a significant role to play in shaping the contours of America's confrontation with terrorism. Their essays are organized around the major tools that the United States has deployed against al Qaeda as well as the legal problems that have arisen as a result. • Mark Gitenstein compares U.S. and foreign legal standards for detention, interrogation, and surveillance. • Matthew Waxman studies possible strategic purposes for detaining people without charging them, while Jack Goldsmith imagines a system of judicially reviewed law-of-war detention. • Robert Chesney suggests ways to refine U.S. criminal law into a more powerful instrument against terrorism. • Robert Litt and Wells C. Bennett suggest the creation of a specialized bar of defense lawyers for trying accused terrorists in criminal courts. • David Martin explores the relationship between immigration law and counterterrorism. • David Kris lays out his proposals for modernizing the Foreign Intelligence Surveillance Act. • Justin Florence and Matthew Gerke outline possible reforms of civil justice procedures in national security litigation. • Benjamin Wittes and Stuart Taylor Jr. investigate ways to improve interrogation laws while clarifying the definition and limits of torture. • Kenneth Anderson argues for the protection of targeted killing as a counterterrorism tool. How should Congress authorize, regulate, and limit counterterrorism tools, and under what circumstances should it permit and encourage their use? The authors of this book share a commitment to pushing a reluctant Congress to play a more active role than it has to date in writing the

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rules of the road.

## **Preventive Force**

International law separates international from non-international conflicts. This book discusses how this categorization operates, identifying the legal questions raised. Case studies from Colombia to Iraq show how this classification impacts on issues like detention in armed conflict and the relationship between human rights and humanitarian law.

## **Targeted Killing Under International Humanitarian Law**

Known terrorists are often targeted for death by the governments of Israel and the United States. Several thousand have been killed by drones or by operatives on the ground in the last twenty years. Is this form of killing justified, when hundreds or thousands of lives are possibly at risk at the hands of a known terrorist? Is there anything about it that should disturb us? Ethically-sound and practical answers to these questions are more difficult to come by than it might seem. Renowned political theorists Jeremy Waldron and Tamar Meisels here defend two competing positions on the legitimacy of targeted killing as used in counterterrorism strategy in this riveting and essential for-and-against book. The volume begins with a joint introduction, briefly setting out the terms of discussion, and presenting a short historical overview of the practice: what targeted killing is, and how it has been used in which conflicts and by whom.

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It then hones in on killings themselves and the element of targeting. The authors tackle difficult and infinitely complex subjects, for example the similarities and differences between targeted killing of terrorists and ordinary killings in combat, and they ask whether targeted killing can be regarded as a law enforcement strategy, or as a hybrid between combat and law enforcement. They compare the practice of targeted killing with assassination and the use of death squads. And they consider the likelihood that targeted killing has been or will be abused against insurgents, criminals, or political opponents. Meisels analyzes the assassination by Israeli operatives of nuclear scientists working for regimes hostile to Israel. Meisels and Waldron carefully consider whether this sort of killing can ever be justified in terms of the danger it, in theory, averts. The conclusions drawn are at once as surprising as they are insightful, cautioning us against a world in which targeted killing is the norm as it proliferates rapidly. This is essential reading not only for students of political and war theory and military personnel, but for anyone interested in or concerned by the future of targeted killing.

### **International Law and New Wars**

Targeting Terrorists: A License to Kill? examines the political history and ethics of targeted killing. Avery Plaw's analysis addresses the questions of moral, political and legal justification in the context of the current 'war on terror' and of legitimate/illegitimate forms of counter-terrorism more generally. Given the

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increasing number of terrorist targetings conducted around the world today and the virtual absence of a sustained public and scholarly debate over the practice, this study makes a crucial contribution to the examination of an increasingly important and troubling subject. Incorporating insights and arguments from a range of disciplines and approaches, and offering an excellent balance between theory and case studies, this book is highly relevant for courses on ethics, politics, international relations and international law.

### **The Drone Memos**

This is the seminal textbook on the law of international armed conflict, written by a leading commentator on the subject. The second edition has been thoroughly revised and updated, taking into account new developments in combat, numerous recent judicial cases (especially decisions rendered by the International Criminal Tribunal for the Former Yugoslavia), as well as topical studies and instruments. The text clarifies complex issues, offering solutions to practical combat dilemmas that have emerged in present-day battlefield situations. Several current (and controversial) subjects are examined in depth, including direct participation in hostilities, human shields, and air and missile warfare. Useful definitions and explanations have been added, making intricate problems easier to comprehend. The book is designed not only for students of international law, but also as a tool for the instruction of military officers.



## **Debating Targeted Killing**

Guidance for maintaining national security without abandoning the rule of law and our democratic values. In an age of global terrorism, can the pursuit of security be reconciled with liberal democratic values and legal principles? During its “global war on terrorism,” the Bush administration argued that the United States was in a new kind of conflict, one in which peacetime domestic law was irrelevant and international law inapplicable. From 2001 to 2009, the United States thus waged war on terrorism in a “no-law zone.” In *Laws, Outlaws, and Terrorists*, Gabriella Blum and Philip Heymann reject the argument that traditional American values embodied in domestic and international law can be ignored in any sustainable effort to keep the United States safe from terrorism. They demonstrate that the costs are great and the benefits slight from separating security and the rule of law. They call for reasoned judgment instead of a wholesale abandonment of American values. They also argue that being open to negotiations and seeking to win the moral support of the communities from which the terrorists emerge are noncoercive strategies that must be included in any future efforts to reduce terrorism.

## **Targeted Killings and International Law**

In *Legitimate Target, A Criteria Based Approach to Targeted Killing*, Amos Guiora proposes that targeted killing decisions must reflect consideration of four distinct elements: law, policy, morality, and

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operational details, thus ensuring that it complies with principles of domestic and international laws.

### **The United States and Genocide**

Newly revised and expanded, *The Law of Armed Conflict*, 2nd edition introduces law students and undergraduates to the law of war in an age of terrorism. What law of armed conflict (LOAC), or its civilian counterpart, international humanitarian law (IHL), applies in a particular armed conflict? Are terrorists legally bound by that law? What constitutes a war crime? What (or who) is a lawful target and how are targeting decisions made? What are 'rules of engagement' and who formulates them? How can an autonomous weapon system be bound by the law of armed conflict? Why were the Guantánamo military commissions a failure? This book takes students through these LOAC/IHL questions and more, employing real-world examples and legal opinions from the US and abroad. From Nuremberg to 9/11, from courts-martial to the US Supreme Court, from the nineteenth century to the twenty-first, the law of war is explained, interpreted, and applied.

### **Yearbook of International Humanitarian Law - 2010**

This comprehensive volume addresses the important question of whether and how the current transformation of targeted killing is transforming the global international order. The age-old practice of targeted killing has undergone a profound

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transformation since the turn of the millennium. States resort to it more frequently, especially in the context of counter-terrorism operations. The rapid development of surveillance and drone technologies facilitates targeted-killing missions, and states are starting to slowly abandon their policies of secrecy and denial with regard to this form of violence. To answer this question, the volume introduces a theoretical framework that conceives the maintenance and transformation of international order as a dynamic, triangular process between violence, discourse, and the institutions that make up the international order. It then sheds light on different parts of this triangular process: the reinterpretation of international law to legitimize targeted killing, the contestation between state and non-state actors over the development of a new targeted-killing norm, the emergence of targeted killing in the context of changes in the broader normative context of international order, and the impact of new technologies, in particular autonomous weapons systems, on the future of targeted-killing practices and international order. This book was originally published as a special issue of Contemporary Security Policy.

### **Targeted Killing**

This is an objective, strategic assessment of the role, usefulness, and logistical concerns posed by state-sponsored targeted killing and its overall efficiency in the current war on global terrorism.

## **Targeted Killing in International Law**

A comprehensive analysis into the lawfulness of state-sponsored targeted killings under international human rights and humanitarian law, this book examines treaties, custom and general principles of law to determine the normative paradigms which govern the intentional use of lethal force against selected individuals in law enforcement and the conduct of hostilities. Through an exhaustive analysis of recent state practice and jurisprudence, the book establishes when targeted killing may be considered lawful, and what legal restraints are imposed on the practice in times of war and peace.

## **Targeted Killing in International Law**

In 1950, after over fifty years of military occupation and colonial rule, the Nationalist Party of Puerto Rico staged an unsuccessful armed insurrection against the United States. Violence swept through the island: assassins were sent to kill President Harry Truman, gunfights roared in eight towns, police stations and post offices were burned down. In order to suppress this uprising, the US Army deployed thousands of troops and bombarded two towns, marking the first time in history that the US government bombed its own citizens. Nelson A. Denis tells this powerful story through the controversial life of Pedro Albizu Campos, who served as the president of the Nationalist Party. A lawyer, chemical engineer, and the first Puerto Rican to graduate from Harvard Law School, Albizu Campos was imprisoned for twenty-five years and

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died under mysterious circumstances. By tracing his life and death, Denis shows how the journey of Albizu Campos is part of a larger story of Puerto Rico and US colonialism. Through oral histories, personal interviews, eyewitness accounts, congressional testimony, and recently declassified FBI files, *War Against All Puerto Ricans* tells the story of a forgotten revolution and its context in Puerto Rico's history, from the US invasion in 1898 to the modern-day struggle for self-determination. Denis provides an unflinching account of the gunfights, prison riots, political intrigue, FBI and CIA covert activity, and mass hysteria that accompanied this tumultuous period in Puerto Rican history.

### **Targeting Terrorists**

This book discusses the critical legal issues raised by the US responses to the terrorist threat, analyzing the actions taken by the Bush administration during the so-called "War on Terrorism" and their compliance with international law. Thomas McDonnell highlights specific topics of legal interest including torture, extra-judicial detentions and the invasions of Afghanistan and Iraq, and examines them against the backdrop of terrorist movements which have plagued Britain and Russia. The book extrapolates from the actions of the USA, going on to look at the difficulties all modern democracies face in trying to combat international terrorism. This book demonstrates why current counter-terrorism practices and policies should be rejected, and new policies adopted that are compatible with international law. Written for

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students of law, academics and policy-makers, the volume demonstrates the dangers that breaking international law carries in the "War on Terrorism".

### **The Handbook of the International Law of Military Operations**

#### **Extraterritorial Use of Force Against Non-State Actors**

Existing international law is capable to govern the "war on terror" also in the aftermath of September 11, 2001. The standards generally applicable to targeted killings are those of human rights law. Force may be used in order to address immediate threats, preventive killings are permitted under strict preconditions but targeted killings are prohibited. In the context of armed conflicts, these standards are complemented by international humanitarian law as *lex specialis*. Civilians may only be targeted while directly taking part in hostilities and posing a threat to the adversary. Also in Israel and the Occupied Territory, these standards apply. Contrary to the Israeli Supreme Court's view, international humanitarian law is not complemented by human rights law, but human rights law is – to some degree – complemented by international humanitarian law. According to these standards, many killings which would be legal according to the Israeli Supreme Court violate international law.

#### **Drone Warfare**

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The targeted killing of terrorists has become an established practice in the fight against terrorism. Anna Goppel analyses the justifiability of this practice, both from a moral and an international legal perspective. She shows that the targeted killing of terrorists can be justified only in very specific and rather theoretical cases. This seriously questions the practice as well as its increasing acceptance.

### **Justice for Some**

International Law and New Wars examines how international law fails to address the contemporary experience of what are known as 'new wars' - instances of armed conflict and violence in places such as Syria, Ukraine, Libya, Mali, the Democratic Republic of Congo and South Sudan. International law, largely constructed in the nineteenth and twentieth centuries, rests to a great extent on the outmoded concept of war drawn from European experience - inter-state clashes involving battles between regular and identifiable armed forces. The book shows how different approaches are associated with different interpretations of international law, and, in some cases, this has dangerously weakened the legal restraints on war established after 1945. It puts forward a practical case for what it defines as second generation human security and the implications this carries for international law.

### **Legitimate Target**

The deployment of remotely piloted air platforms

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(RPAs) - or drones - has become a defining feature of contemporary counter-insurgency operations. Scholarly analysis and public debate has primarily focused on two issues: the legality of targeted killing and whether the practice is effective at disrupting insurgency networks, and the intensive media and activist scrutiny of the policy processes through which targeted killing decisions have been made. While contributing to these ongoing discussions, this book aims to determine how targeted killing has become possible in contemporary counter-insurgency operations undertaken by liberal regimes. Each chapter is oriented around a problematisation that has shaped the cultural politics of the targeted killing assemblage. Grayson argues that in order to understand how specific forms of violence become prevalent, it is important to determine how problematisations that enable them are shaped by a politico-cultural system in which culture operates in conjunction with technological, economic, governmental, and geostrategic elements. The book also demonstrates that the actors involved - what they may be attempting to achieve through the deployment of this form of violence, how they attempt to achieve it, and where they attempt to achieve it - are also shaped by culture. The book demonstrates how the current social relations prevalent in liberal societies contain the potential for targeted killing as a normal rather than extraordinary practice. It will be of great use for academic specialists and graduate students in international studies, geography, sociology, cultural studies and legal studies.



## **Legislating the War on Terror**

Justice in the Question of Palestine is often framed as a question of law. Yet none of the Israel-Palestinian conflict's most vexing challenges have been resolved by judicial intervention. Occupation law has failed to stem Israel's settlement enterprise. Laws of war have permitted killing and destruction during Israel's military offensives in the Gaza Strip. The Oslo Accord's two-state solution is now dead letter. Justice for Some offers a new approach to understanding the Palestinian struggle for freedom, told through the power and control of international law. Focusing on key junctures—from the Balfour Declaration in 1917 to present-day wars in Gaza—Noura Erakat shows how the strategic deployment of law has shaped current conditions. Over the past century, the law has done more to advance Israel's interests than the Palestinians'. But, Erakat argues, this outcome was never inevitable. Law is politics, and its meaning and application depend on the political intervention of states and people alike. Within the law, change is possible. International law can serve the cause of freedom when it is mobilized in support of a political movement. Presenting the promise and risk of international law, Justice for Some calls for renewed action and attention to the Question of Palestine.

## **Cultural Politics of Targeted Killing**

Examining the constitutional and statutory law that regulates contemporary U.S. foreign relations, Foreign Relations Law: Cases and Materials draws on the

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expertise of Curtis A. Bradley and Jack L. Goldsmith to present a concise and current analysis of this important area of study. This comprehensive text is organized into nine main sections: Introduction: Historical and Conceptual Foundations Courts and Foreign Relations Congress and the President in Foreign Affairs War Powers States and Foreign Affairs Treaties and Other International Agreements Customary International Law Extraterritoriality Foreign Sovereign Immunity

When you examine the book, be sure to notice: its cohesive thematic framework that illuminates the importance of constitutional structure, the blurred line between domestic and foreign affairs, and the connections among cases; the strong coverage of contemporary controversies, such as issues concerning the laws of terrorism, the validity of congressional-executive agreements, the scope of treaty power, the legitimacy of international human rights litigation, and the propriety of judicial deference to the Executive Branch; strong case notes that sketch the rich history of foreign relations law; examples and illustrations of political events and conflict; treatment of major cases, such as *Argentine Republic v. Amerasia Shipping Corp.*, *Banco Nacional de Cuba v. Sabbatino*, *Goldwater v. Carter*, *Missouri v. Holland*, *United States v. Alvarez-Machain*, and *Youngstown Sheet & Tube Co. v. Sawyer*

For a course that concentrates on foreign policy issues and international cases in which the United States exercises jurisdiction, there is no casebook more timely or illuminating than *Foreign Relations Law: Cases and Materials*.

## **Drones and the Law**

Choice Outstanding Academic Title for 2015 One of the most significant and controversial developments in contemporary warfare is the use of unmanned aerial vehicles, commonly referred to as drones. In the last decade, US drone strikes have more than doubled and their deployment is transforming the way wars are fought across the globe. But how did drones claim such an important role in modern military planning? And how are they changing military strategy and the ethics of war and peace? What standards might effectively limit their use? Should there even be a limit? Drone warfare is the first book to engage fully with the political, legal, and ethical dimensions of UAVs. In it, political scientist Sarah Kreps and philosopher John Kaag discuss the extraordinary expansion of drone programs from the Cold War to the present day and their so-called 'effectiveness' in conflict zones. Analysing the political implications of drone technology for foreign and domestic policy as well as public opinion, the authors go on to examine the strategic position of the United States - by far the world's most prolific employer of drones - to argue that US military supremacy could be used to enshrine a new set of international agreements and treaties aimed at controlling the use of UAVs in the future.

## **Ethics, Law and Justifying Targeted Killings**

The constitutional history of the war on terror -- How

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to think constitutionally -- The war powers of the U.S. government -- The killing of Anwar al-Awlaki : a constitutional analysis -- Targeted killing and the future : three speculations

### **Report on Terrorism and Human Rights**

### **International Law and the Use of Force**

There exists a dominant narrative that essentially defines the US' relationship with genocide through what the US has failed to do to stop or prevent genocide, rather than through how its actions have contributed to the commission of genocide. This narrative acts to conceal the true nature of the US' relationship with many of the governments that have committed genocide since the Holocaust, as well as the US' own actions. In response, this book challenges the dominant narrative through a comprehensive analysis of the US' relationship with genocide. The analysis is situated within the broader genocide studies literature, while emphasizing the role of state responsibility for the commission of genocide and the crime's ancillary acts. The book addresses how a culture of impunity contributes to the resiliency of the dominant narrative in the face of considerable evidence that challenges it. Bachman's narrative presents a far darker relationship between the US and genocide, one that has developed from the start of the Genocide Convention's negotiations and has extended all the way to present day, as can be seen in the relationships the US maintains with potentially

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genocidal regimes, from Saudi Arabia to Myanmar. This book will be of interest to scholars, postgraduates, and students of genocide studies, US foreign policy, and human rights. A secondary readership may be found in those who study international law and international relations.

### **Targeted Killings**

This book analyses the primary relevant rules of international law applicable to extra-territorial use of force by states against non-state actors. Force in this context takes many forms, ranging from targeted killings and abductions of individuals to large-scale military operations amounting to armed conflict. Actions of this type have occurred in what has become known as the 'war on terror', but are not limited to this context. Three frameworks of international law are examined in detail. These are the United Nations Charter and framework of international law regulating the resort to force in the territory of other states; the law of armed conflict, often referred to as international humanitarian law; and the law enforcement framework found in international human rights law. The book examines the applicability of these frameworks to extra-territorial forcible measures against non-state actors, and analyses the difficulties and challenges presented by application of the rules to these measures. The issues covered include, among others: the possibility of self-defence against non-state actors, including anticipatory self-defence; the lawfulness of measures which do not conform to the parameters of self-

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defence; the classification of extra-territorial force against non-state actors as armed conflict; the 'war on terror' as an armed conflict; the laws of armed conflict regulating force against groups and individuals; the extra-territorial applicability of international human rights law; and the regulation of forcible measures under human rights law. Many of these issues are the subject of ongoing and longstanding debate. The focus in this work is on the particular challenges raised by extra-territorial force against non-state actors and the book offers a number of solutions to these challenges.

### **The Law of Armed Conflict**

This book conducts an in-depth analysis into the lawfulness of State-sponsored targeted killings under international human rights and humanitarian law. It also addresses the relevance of the law of inter-state force to targeted killings, and the interrelation of the various normative frameworks which may simultaneously apply to operations involving the intentional use of lethal force. Through a comprehensive analysis of treaties, custom, and general principles of law in light of jurisprudence, doctrine, and travaux préparatoires the author demonstrates that contemporary international law provides two distinct normative paradigms which govern the use of lethal force in law enforcement and in the conduct of hostilities. Based on the resulting normative paradigms, the author shows in what circumstances targeted killings may be considered as internationally lawful. The practical relevance of the

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various conditions and modalities is illustrated by reference to concrete examples of targeted killing from recent State practice. In essence the book argues that any targeted killing not directed against a legitimate military target remains subject to the law enforcement paradigm, which imposes extensive restraints on the practice. Even under the paradigm of hostilities, no person can be lawfully liquidated without further considerations. As a form of individualized or surgical warfare, the method of targeted killing requires a 'microscopic' interpretation of the law regulating the conduct of hostilities which leads to nuanced results. The author concludes by highlighting and comparing the main areas of concern arising with regard to State-sponsored targeted killing under each normative paradigm and by placing the results of the analysis in the wider context of the rule of law.

### **Israel's Policy of Targeted Killing and International Humanitarian Law**

The controversy surrounding targeted killings represents a crisis of conscience for policymakers, lawyers, philosophers and leading military experts grappling with the moral and legal limits of the war on terror. The book examines the legal and philosophical issues raised by government efforts to target suspected terrorists without giving them the safeguards of a fair trial.

### **Targeted Killings, Law and Counter-Terrorism Effectiveness**

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This book examines the normative debates around the American use of targeted killings. It questions whether the Obama administration's defence of its use of targeted killings is cohesive or hypocritical. In doing so, the book departs from the disciplinary purpose of international law, constitutional law and the just war tradition and instead examines discipline-specific defences of targeted killings to identify their requisite normative principles in order to compare these norms across disciplines. The methodology used in this book means that it argues that targeted killings are only defensible as acts of war, but it also highlights the normative role of accountability and responsibility in this defence. In doing so, it offers an argument that the use of 'pattern of life' killings by the CIA falls outside the defence offered by the Obama administration, but that this same type of targeting could be used by the military due to differing standards/mechanisms of responsibility assignment in these organisations. The book thus provides a way of investigating contemporary wars where the conduct of war lacks the traditional hallmarks of conventional warfare. Furthermore, by drawing attention to differing normative concepts that underpin competing interpretations of law and morality, it provides a way of analysing contemporary political violence in an interdisciplinary fashion without seeking to displace single disciplinary study. This book will be of much interest to students of military studies, ethics of war, foreign policy, international security and IR.

### **Foreign Relations Law**



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The second edition of this well received handbook provides a comprehensive overview and annotated commentary of those areas of international law most relevant to the planning and conduct of military operations. It covers a wide scope of military operations, ranging from operations conducted under UN Security Council mandate to (collective) self-defence and consensual and humanitarian operations and identifies the relevant legal bases and applicable legal regimes governing the application of force and treatment of persons during such operations. It also devotes attention to the law governing the status of forces, military use of the sea and airspace and questions of international (criminal) responsibility for breaches of international law. New developments such as cyber warfare and controversial aspects of law in relation to contemporary operations, such as targeted killing of specific individuals are discussed and analysed, alongside recent developments in more traditional types of operations, such as peacekeeping and naval operations. The book is aimed at policy officials, commanders and their (military) legal advisors who are involved with the planning and conduct of any type of military operation and is intended to complement national and international policy and legal guidelines and assist in identifying and applying the law to ensure legitimacy and contribute to mission accomplishment. It likewise fulfils a need in pertinent international organizations, such as the UN, NATO, Regional Organizations, and NGOs. It also serves as a comprehensive work of reference to academics and is suitable for courses at military staff colleges, academies and universities,

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which devote attention to one or more aspects of international law treated in the book. This mix of intended users is reflected in the contributors who include senior (former) policy officials and (military) legal advisors, alongside academics engaged in teaching and research in these areas of international law.

### **Targeted Killing**

President Obama was elected on an anti-war platform, yet targeted killings have increased under his command of the 'War on Terror'. The US thinks of itself as upholding the rule of international law and spreading democracy, yet such targeted killings have been widely decried as extra-judicial violations of human rights. This book examines these paradoxes, arguing that they are partially explained by the application of existing legal standards to transnational wars. Critics argue that the kind of war the US claims to be waging - transnational armed conflict - doesn't actually exist. McDonald analyses the concept of transnational war and the legal interpretations that underpin it, and argues that the Obama administration's adherence to the rule of law produces a status quo of violence that is in some ways more disturbing than the excesses of the Bush administration. America's interpretations of sovereignty and international law shape and constitute war itself, with lethal consequences for the named and anonymous persons that it unilaterally defines as participants. McDonald's analysis helps us understand the social and legal construction of

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legitimate violence in warfare, and the relationship between legal opinions formed in US government departments and acts of violence half a world away.

### **The Law of Targeting**

Drones and the Law: International Responses to Rapid Drone Proliferation presents innovative solutions to the controversial issues raised by the drones and a critical assessment of its growing use as a weapon system in modern warfare and privacy issues.

### **Drones and Targeted Killing**

This book examines the permissibility and effectiveness of targeted killing in campaigns against terror. Targeted killing has become a primary counterterrorism measure used by several countries in their confrontation with lethal threats. The practice has been extensively used by the US in Afghanistan, Iraq, Pakistan, Yemen and Somalia, and by Israel in the West Bank and Gaza. Several studies have already explored the difficult balance between achieving security while maintaining the liberties and rights of a country's civilians. This book goes a step further by seeking to examine whether maintaining those liberties by complying with legal standards and minimizing unintended deaths can be more effective for national security. Using targeted killing applied by Israel, in particular, as well as the United States during the first decade of the twenty-first century as case studies, this book explores that question and ultimately assesses whether compliance with legal

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standards can strengthen a state in its campaign against terrorism and thus provide stronger security. The book focuses on civilian-related criteria, hypothesizing that minimizing civilian casualties will maximize effectiveness in an asymmetric war setting. The conclusions are not limited to a specific tactic or theater, and if adopted might have far-reaching implications for how asymmetric warfare is strategized. This book will be of much interest to students of counter-terrorism, law, Middle Eastern studies, and security studies.

### **Targeting Americans**

Targeting is the primary method for securing strategic objectives in an armed conflict. Failure to comply with the law of targeting jeopardizes the achievement of those aims. It is therefore essential that all those involved in or studying issues surrounding targeting have an accurate and complete understanding of this area of law. This book offers the definitive and comprehensive statement of all aspects of the law of targeting. It is a 'one-stop shop' that answers all relevant questions in depth. It has been written in an open, accessible yet comprehensive style, and addresses both matters of established law and issues of topical controversy. The text explains the meanings of such terms as 'civilian', 'combatant', and 'military objective'. Chapters are devoted to the core targeting principles of distinction, discrimination, and proportionality, as well as to the relationship between targeting and the protection of the environment and of objects and persons entitled to special protection.

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New technologies are also covered, with chapters looking at attacks using unmanned platforms and a discussion of the issues arising from cyber warfare. The book also examines recent controversies and perceived ambiguities in the rules governing targeting, including the use of human shields, the level of care required in a bombing campaign, and the difficulties involved in determining whether someone is directly participating in hostilities. This book will be invaluable to all working in this contentious area of law.

### **Laws, Outlaws, and Terrorists**

This book explores the whole of the large and controversial subject of the use of force in international law; it examines not only the use of force by states but also the role of the UN in peacekeeping and enforcement action, and the growing importance of regional organizations in the maintenance of international peace and security. Since the publication of the second edition of *International Law and the Use of Force* the law in this area has continued to undergo a fundamental reappraisal. Operation Enduring Freedom carries on against Al Qaida and the Taliban in Afghanistan six years after the terrorist attacks of 11 September 2001. Can this still be justified as self-defence in the 'war on terror'? Is there now a wide right of pre-emptive self-defence against armed attacks by non-state actors? The 2006 Israel/Lebanon conflict and the recent intervention of Ethiopia in Somalia raise questions about whether the 'war on terror' has

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brought major changes in the law on self-defence and on regime change. The 2003 invasion of Iraq gave rise to serious divisions between states as to the legality of this use of force and to talk of a crisis of collective security for the UN. In response the UN initiated major reports on the future of the Charter system; these rejected amendment of the Charter provisions on the use of force. They also rejected any right of pre-emptive self-defence. They advocated a 'responsibility to protect' in cases of genocide or massive violations of human rights; the events in Darfur show the practical difficulties with the implementation of such a duty.

### **The Conduct of Hostilities under the Law of International Armed Conflict**

Looking beyond the events of the second intifada and 9/11, this book reveals how targeted killing is intimately embedded in both Israeli and US statecraft, and in the problematic relationship between sovereign authority and lawful violence underpinning the modern state system. It details the legal and political issues raised in targeted killing as it has emerged in practice, including questions of domestic constitutional authority, the use of force in international law, the law of belligerent occupation, the law of targeting and human rights law. The distinctive nature of Israeli and US targeted killing is analysed in terms of the compulsion of legality characteristic of the liberal constitutional state, a compulsion that demands the ability to distinguish between legal 'targeted killing' and extra-legal

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'political assassination'. The effect is a highly legalized framework for the extraterritorial killing of designated terrorists that may significantly affect the international law of force.

### **War Against All Puerto Ricans**

EXPERT ANALYSIS OF AN ILLEGAL AND IMMORAL PRACTICE The Bush administration detained and tortured suspected terrorists; the Obama administration assassinates them. Assassination, or targeted killing, off the battlefield not only causes more resentment against the United States, it is also illegal. In this interdisciplinary collection, human rights and political activists, policy analysts, lawyers and legal scholars, a philosopher, a journalist and a sociologist examine different aspects of the U.S. policy of targeted killing with drones and other methods. It explores the legality, morality and geopolitical considerations of targeted killing and resulting civilian casualties, and evaluates the impact on relations between the United States and affected countries. The book includes the documentation of civilian casualties by the leading non-governmental organization in this area; stories of civilians victimized by drones; an analysis of the first U.S. targeted killing lawsuit by the lawyer who brought the case; a discussion of the targeted killing cases in Israel by the director of PCATI which filed one of the lawsuits; the domestic use of drones; and the immorality of drones using Just War principles. Contributors include: Archbishop Desmond Tutu, Phyllis Bennis, Medea Benjamin, Marjorie Cohn, Richard Falk, Tom Hayden,

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Pardiss Kebriaei, Jane Mayer, Ishai Menuchin, Jeanne Mirer, John Quigley, Dr. Tom Reifer, Alice Ross, Jay Stanley, and Harry Van der Linden.

### **Enemies Known and Unknown**

A. Right to Life



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