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## **Targeted killing, the New Legal Challenge in Employing Military Drones**

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### **Abstract**

*The goal-oriented terror is considered as one of the challenges in employing the drones. Drones can easily violate the countries' airspaces and can also cause the illegal deprivation of humans' life through their bloody assaults in the time of peace and war. The dangerous explanation stated by the countries use the drone technology causes the creation of global battlefield. However, using drones for dealing with the targeted killing can be given legal validity, if there is an armed hostile activity, and it can be also regarded as a legal activity in very specific situations and for preventive self-defense at peace time.*

***Keywords: Targeted killing, drones, armed conflicts, deprivation of life, international law and military legal devices.***

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**1. Introduction:** Increasing use of drones by the countries having this technology has caused a variety of challenges for the victim countries. This issue can be investigated in an armed conflict or at peace time. Aggression, deprivation of life, extrajudicial executions and the increasing possibility of the global battlefield are the major issues which can be included in this regard.

In this study, we aim at answering this question whether carrying out targeted killings through drones can be regarded as legal activity in regard of international law. Therefore, first, in addition to defining the concept of targeted killing, we count the common elements of different definitions. Next, with the investigation of a targeted killing in relation to an armed conflict as well as peacetime, we will investigate the legalized conditions of each attack. Then, we review the reasoning and argumentations of the USA, as the main country using drones, and critics' responses and finally we point to the view of European Union in regard to the targeted killing of drones.

**2. The Definition of Targeted Killing:** The main sources of the international law have not pointed to the concept of Targeted killing. The phrase of targeted killing does not exist in the United Nations Charter, neither in conventions de Geneva nor in the International

Criminal Court Statute. Moreover, scholars have suggested many definitions regarding targeted killing.

Nil Milers, in his book titled "the targeted killing in the international law", suggests the following definition about the targeted killing:

*"The word of targeted killing focuses on the use of lethal weapons with the previous intention and purpose as well as with the thought of killing the selected individuals, in practice, relied on the international law and the victims, before being targeted, have not been judicially tried in the court of law" (1). But in this definition, one element has been remained ambiguous and it is the element of "factor", the government.*

*Maybe, the most accurate definition is that one which defines targeted killing as "the application of military force relied on an international law subject with the previous intention and plan and also with the purpose of killing an individual who has been individually chosen and is not arrested by those who aim at killing him/her".(1)*

Anyway, international jurists suggest different views, and in some cases paradox, regarding the legitimation of targeted killing in regard of international law. Finally, what can be stated about a unified definition of targeted killing is that the scholars have different views in regard of offering a unified definition of targeted killing. But the main elements of definition of Targeted killing can be summarized as following (2):

- a) Deliberate intent and with the previous intention and purpose
- b) Carried out with the government or governmental agent
- c) Killing civilians without doing trial process
- d) Using lethal military devices and weapons such as drones

### **3. The destructive consequences of using drones for Targeted killings:**

**3.1. Deprivation of life right:** The primary bases of modern international human right have been founded on the International Covenant on Civil and Political Rights. The Article 6 of this covenant specifies that: "every human has the inherent right of existence and living. This right must be supported by the government. No one can intractably renounce this right". (3). this right has been acknowledged in all human right sources.<sup>1</sup> In addition to these, the right of existence can be regarded as a part of customary international law, causing all government to support this right. (4).

The international human right almost considers the targeted killing as an activity causing the deprivation of life right in all cases and therefore regards it as an illegal activity. (5). In this regard, the arbitrary killing of an individual by a government, without the presentation

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<sup>1</sup> See Universal Declaration of Human Rights, G.A. Res. 217 (III) A, art. 3. U.N. Doc. A/RES/217(III)

of an armed attack, is only acceptable if it is "necessary" and "appropriate".<sup>2</sup> In the international human right, "appropriate" means that killing the target is needed for saving other peoples' lives (4). Also, the "necessary" means that there is no nonfatal way for saving people (4).

This issue is widely accepted that drones cannot follow the "necessary" and "appropriate" conditions except in few rare cases. Even, some researchers believe that the drones' mission cannot be regarded as legal activities in the view of international human right (6). Other researchers, accepting the conditions for the legitimation of targeted killings, draw the situation in which the target is performing immediate operation for killing other individuals, outside of the war scope and there is no chance for arresting him/her due to the geographical distance. (4).

**3.2. Drones and converting the world to the arena of international conflict:** After the September eleven attack, George Bush, the president of the USA, declared war against the international terrorism. The purpose of Bush, stating this declaration of war, was that the rules related to the armed conflicts or war right and what is named as international humanitarian law in the contemporary period became dominated on this quarrel. If the war rules dominate on the condition of war against terrorism, the USA considers all of those, who are so called unlawful enemy militants, as the military soldiers. Accordingly, fighting against terrorism, not regarded as a criminal action and under criminal law, but regarded as a formal war, and the rules dominated on this quarrel, instead of criminal law, are war law. In the war law, the individuals arrested by the enemy soldiers are not necessarily under the support of Civil and State Laws and are regarded as the war captives. In addition to this, killing the enemy soldiers, found and seen in every location, is regarded as a legal and lawful activity. According to this, George Bush initiated the targeted killing against Al-Qaeda and in Obama period, this strategy has been continued and developed so that it has become the main axis of fighting against terrorism.

As this issue is in conflict with the basic principles of international law, it is also in contradiction with the main purpose of the establishment of the United Nations, the creation and protection of international peace and security. Because this issue, with the creation of these procedures in the international system, would be the basis and cornerstone of conflict and contention among the countries.

On the other hand, having lethal and fatal drones throughout the world by the countries having this technology, all over the world would be the arena of conflict and contention and observe the fatal missions of these lethal birds.

**4. Targeted killing in the armed conflicts:** The right, dominated on the armed conflicts including the armed quarrels among states and the armed conflicts among a state with an

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<sup>2</sup> It is also permissible under the ICCPR to impose the death penalty after a fair trial "pursuant to a final judgment rendered by a competent court", so long as it is imposed only on adults and only "for the most serious crimes". See ICCPR, art. 6, ¶¶ 2, 5.

armed non-governmental group, is war right or international humanitarian law. The international humanitarian law can be observed in the Convention de Geneva in 1949 and its attached protocols as well as in the procedural rules of The Hague in 1907 and in the traditional war right. These rules have systemized the act principles and the procedures dominated on the armed conflicts, including targeting fighting forces. (7). Conflict between a government and an non-governmental armed group is regarded as an armed conflict if the violence develops to a meaningful extent and the armed groups have the capacity of performing war rules. Gary Solis, the significant researcher of Law and the ex-lecturer of Law in the military university of New York, believes:

*"Targeted killing is legitimated if there is international or non-international armed conflict. Without an armed conflict, the targeted killing of citizens including terrorists and non-terrorists is regarded as a political murder" (8).*

It must be borne in mind that it is not feasible to be relied upon the armed conflict law in every type of use of force. This law is only relied upon in the cases that, concerning the treaty requirements, the violence increases to an extent by which the international humanitarian law gives it war or armed conflict properties. Generally, releasing the attribute of armed conflict to a conflict requires a war between two countries or non-governmental actors, e.g. a conflict in a civil war. This battle must be current, stable, multilateral, and organized. Additionally, it must be recognized that the application of which type of use of force would cause relying upon the international humanitarian law as the law dominated on the conflict (2).

The simultaneous proposing of these two positions causes the serious problems for performing the policy of targeted killing by different countries and especially United States. The most serious challenge is that the intended criterion of US for war declaration as a legal armed conflict has not been accepted by other countries. The policy of targeted killing of America can be regarded as a first degree murder or political planned murder (9).

The targeted killing against a non-governmental actor, done by army or non-military organizations such as CIA, cannot automatically permit the relying on the international humanitarian law only because of using force majeure. Therefore, according to Milers, if it is allowed that the international criminal court or European court investigate the targeted killing based on the available norms and standards, first degree murder and war crime will be issued for Obama and everyone acts on targeted killing. According to the intended standards of covenant, targeted killing, regarded as a sort of extrajudicial execution or something similar to it, is extremely subject to challenging (9).

In response to the performance of US, some of the human right groups and international organizations have conducted some researches. In response to the assassination of Heysam Al-Yamini in 2005 in Pakistan with the drones used by CIA, Amnesty International declared: with the assumption of the correctness of the occurred events, the USA committed the extrajudicial execution and this action is regarded as the violation of international law.

The USA, instead of killing him with the help of Pakistan, must have tried to arrest him" (10).

The special reporter of the United Nations Human Right also believes that the extrajudicial actions, immediate and arbitrary executions have the characteristics of the extrajudicial murder (11). On the other hand, the countries, regarded as the members of the European Union extremely disagreed with the actions of targeted killing. Anna Linda, the Foreign Minister of Sweden, in 2002, is one of those individuals, who declared the most sharp-cut criticism against the targeted killing of America after murdering Al-Harhi<sup>3</sup>. In this regard, she stated:

*"This execution is a hasty execution and violates the human rights... Even terrorists must be treated in accordance with human rights. Otherwise, every country gives itself the right of executing whoever is regarded as terrorist in its own point of view"* (12).

USA, in the formal definition of targeted killing, has used the element of militancy as an obvious and transparent condition for finding legal purpose. Despite it, the international law does not consider the militancy condition as the main index. The prohibition of first degree murder and extrajudicial murder is based on the available norms in the definition of human right. In order to rely upon the related treaties regarding war law, the existence of an armed conflict is a required affair. Since USA regards a person as a target, if he has military characteristic, it emphasizes that conflict must have the conditions of war law and the battle must have legitimation (13).

According to the most of experts of international law, the targeted killing cannot be regarded as the extrajudicial execution or first degree murder only if the following factors and conditions exist:

- This issue occurs if there is an armed conflict.
- The armed conflict must be based on the United Nations Charter and the principle of self-defense.
- It must be based on the framework of international humanitarian law or war law.

These conditions practically prohibited all targeted killings US has committed. But the USA has never accepted these standards. Therefore, the mainstay of America's policy of fighting with terrorism is based on the rules which are basically illegal (9).

**5. Targeted Killing in Peacetime:** Apart from the period of armed conflict in which the law of war governs, in all other circumstances, human rights are the universal and dominant law. International human rights law allows the use of force majeure if this is directly essential to save lives. If the attack on target causes imminent and serious threat for

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<sup>3</sup> In November, 3, 2002, the drones belonging to US attacked a car in Yemen and killed 6 members of its crew and passengers including Foad Al-Harhi

innocent people, the use of this tool will not be allowed (2). The UN basic principles about the use of force and force majeure states that:

*"The international use of force majeure is allowed when it is necessary to save lives.(14)"*

This standard license allows the use of force majeure only when it is used for self-defense or defense of others against the threat of death or immediate injury and for preventing the participation in a specific and severe crime including the concrete threat of murder. According to this standard, one cannot even target and kill people solely because of their former unlawful behavior. Only in the case of immediate and visible death threat or when it is not possible to detain the suspects due to some reasonable grounds, killing is permitted (7). Therefore, Al-Qaeda leaders targeted by US drones in parts of the world which are not the areas of armed conflict would be illegal in many cases.

On the other hand, the operation controlled by a foreign government in time of peace in another country with the aim of political murder of a political leader will be considered as an illegal act and invasion. Such an action will violate the provisions of the Charter and will be inconsistent with customary international law (15). Accordingly, it is obvious that any political assassination prohibited by United Nations will be against the illegal use of force. The only exception to paragraph 4 of Article 2 of the UN Charter on the use of force is the individual and collective legitimate defense according to Article 51 of the Charter. This exception has been doubly cared since it can be considered as exception in legitimizing the targeted operations of United States as acting in self-defense. Many analyzes have been made with regard to Article 51 of the Charter. Customary international law accepted that the right of individual or collective legitimate defense is limited to "necessity" and "proportionality". However, The United States uses Article 51 of the Charter as a justification for foreign military operations. This principle has been considered as the basis for targeting bin Laden by the "Navy SEALs" in 2011. However, targeting the people in times of peace is specifically prohibited by international law.

In addition, the contradiction between the principles of "non-interference in sovereignty" and "the right of legitimate defense" is considered in reviewing the legality of targeted killing (2). The elements of "necessity" and "proportionality" are important due to being rooted in customary international law and Caroline (ship) incident. The advocates explain that, according to this doctrine, governments are able to threaten or use force based on right to defend itself without the need for a military attack. If the targeted killing can be justified on the basis of Article 51 of the Charter, this will be considered as a legitimate and legal act by the international law. In his report to the organization, Philip Alston, the UN Special Rapporteur, states that:

*"Without announcing the legal and normative principles upon which the targets are selected, government act without accountability. The international community cannot authorize the attempted murder by affirming the targeted unlawful killings to relieve the perpetrators from punishment."(16)*

Law of war only allows the attacks against military targets such as enemy troops or enemy weapons and ammunition. Citizens are protected from attack except those who are directly involved in the battle. The expression of "directly involved in the battle" is challenging and various interpretations have been proposed for it. Publicly, it has been accepted that this expression includes people who are currently involved in battle as well as those who are actively planning to attack or will directly participate in future attacks (7).

Two models have been presented in the face of international terrorism (2). One of them is the law enforcement model or "international human rights" and the other is the armed conflict model or "international humanitarian law" (2). The law enforcement model or "international human rights" assumes that the terrorists are not the fighting forces. Therefore, they try to arrest the terrorists and consider the targeted killing as an illegal act and extrajudicial execution. However, in the armed conflict model, to legitimize a murder, the target must be a fighter. Therefore, a legitimate targeted killing is a murder which is used in the armed conflict model based on identifying the combatant and non-combatant (16). In a conventional war, the following simple concepts distinguish the combatants from non-combatants:

- Carrying the weapon
- Wearing the uniform
- Belonging to the martial organization
- Obeying the laws of war

These are mentioned in Article IV of Geneva Convention, 1949. During peacetime, the differences between the combatants and non-combatants are not that much clear.

Different countries have different norms about murder and political murder depending on whether they are in peacetime or war. In time of peace, the international law (rights) is governed by the customary international law and treaties between the states. According to the international law in peacetime, political murder is considered as the politically motivated murder. Moreover, contemporary international treaties such as the UN Charter, the New York Convention and the extradition treaties unanimously agree that political murder is illegal and prohibited by international law. Therefore, it can be said that international law prohibits any government operations focusing on political killing in time of peace and such an action is considered as an illegal use of force (17).

**6. The arguments of the United States to carry out the targeted killing:** To carry out the targeted killing for members of terrorist groups, United States tries to legitimize the drone operations by creating the legal grounds. The most significant legal theoretical foundations of the United States to impose targeted killing can be summarized as follows:

- Regarding the Caroline (ship) incident, America has considered the preemptive defense as the basis for its common law according to which the preemptive defense is permissible in case of observing two elements of "necessity" and "proportionality". Therefore, despite the explanation of Article 51 of the Charter, from the viewpoint of

America, there is no need for the occurrence of a real invasion before referring to the principle of self-defense. Considering that the doctrine of Caroline ship was based on non-state actors, this interpretation includes the right of self-defense in response to non-state actors like al-Qaeda.

- The Supreme Court of America considers the War on Terror as a recognized non-international armed conflict. Therefore, from the viewpoint of America, the War on Terror is based on the principles of the armed conflicts.
- Terrorists have been considered as the elements involved in humanitarian conflict. Therefore, their targeting should be studied in the context of the requirements of international humanitarian law or the laws of war.
- In the Laws of War, the captured members of enemy soldiers are not supported by the civil law of the country and they are considered as the prisoners of war.
- In targeted killing, the element of "militancy" is an essential condition to find targets. Therefore, if the individual is a fighter, he will be considered as a legitimate target. During an armed conflict, governments have full authority to kill soldiers. Killing the enemy soldiers at any place is legal and permitted.
- During an armed conflict, killing the individual who causes imminent threat for the United States is considered as "self-defense" based on Article 51 of the Charter. It is not considered as a political murder.
- All military attacks resulting in civilian deaths are not rights violation. Those attacks which target the civilians without any distinction or those military attacks with disproportionate civilian casualties violate the law of war.
- America and the Israel believe that, in addition to direct participation of an individual in an armed attack, the moral support of terrorist organizations such as speaking and encouraging them to fight is a kind of direct participation in armed conflict.
- The United States has an extended interpretation of the concept of conflict time so that it considers the self-defense legitimate in response to the attacks of more than a decade ago.
- Moral prohibitions are not considered by America for two reasons; the heavy threats imposed by al-Qaeda and the practical incompatibility of these threats with the procedures and institutions governing the traditional customary rights.
- America believes that, according to the September 11 attack and terrorism potential and capability of mass destruction, this issue cannot be dealt as a legal and nonpolitical matter. It cannot be legitimized as a criminal act.

**7. Critics response to America arguments:** During the 1990s, United States tried to use the model of exercise of rights in dealing with terrorism. Accordingly, it judged the suspects of bombing in World Trade Center of Oklahoma City in 1993. When America chose the armed conflict model as its doctrine and strategy in the fight against terrorism, it didn't suppose any obligations to arrest the suspects before targeting them. According to this model, being fighter is effective only during armed conflict (2). Some experts of international law believe that the situation in which the United States focuses on targeted

killings cannot be considered as the basis of self-defense. For example, publishing an article in the journal of "Studies of International Law, Department of America Naval War", "Sean D. Murphy" emphasizes the concern and states that:

*"Despite the lack of meaningful agreement of Pakistan Government, proving right of self-defense against al-Qaeda targets in Pakistan will be difficult due to of the September 11 attacks. The elements of "necessity" and "proportionality" will prevent the unilateral use of force against the third government which was not involved in the war." (18)*

In any case, from the perspective of America, War on Terror is a kind of armed conflict. However, according to paragraph 3 of Article 51 of the Additional Protocol to the Hague Convention adopted on June 8, 1977, it seems that the interpretation and procedure of America and the Israel differ from the majority of international lawyers. America and the Israel consider the moral support of terrorist organizations such as speaking and encouraging them to fight as direct participation in armed conflict. In addition, they have an extended interpretation of the concept of conflict time. They believe that the direct participation of a person in armed conflict is his murder permission in any conditions. This opinion contradicts the prevailing legal experts. Miss "Mary Ellen O'Connell" one of the proponents of law enforcement model believes that:

*"Terrorist attacks are criminal and lack the military attack properties. These attacks possess all the properties and characteristics of crime. These attacks are sporadic and the states in which the terrorists deploy are responsible in this regard."(16)*

The presumption is that terrorist organizations have criminal originality. Therefore, they must not be considered as fighter. The definition of combatant is clear. A combatant is a member of the armed forces of enemy states. Paramilitary forces also obey the following obligations:

1. They are commanded by higher authorities
2. They wear fixed, distinct and identifiable (from long distances) signs
3. They carry weapon explicitly
4. They behave and perform based on the laws and customs of war (19)

Terrorists are not compatible with these principles and conditions and governments always hate them. The principle of distinction or discrimination supports the non-combatant elements against targeting. In diplomatic conference of international humanitarian law, this principle which was applicable in war of 1977 and many international treaties governing the international rights and non-International armed conflicts rights has been re-edited and accepted by customary international law. Regarding the protection of victims of international armed conflicts (Protocol I), the additional protocol to the Geneva Conventions of 12 August 1949 announces that:

*"Civilians must not be attacked. Aggression or threat of aggression with the aim of spreading the terror among civilians is forbidden."*

Clause 3 of Article 51 of Protocol I to the Geneva Conventions generalized this support to citizens (apart from persons who are directly involved in the fighting). According to Article 13 of the Additional Protocol II to the Convention, citizens are also supported during non-international armed conflicts. Since the Supreme Court of America considers the war on terror as a non-international armed conflict, the issue of being combatant will be determined under the second protocol (17).

In any case, members of al-Qaeda cannot be included in definition of fighters or volunteer militias according to Article 4 of the Geneva Convention of 1949. Although it seems that international terrorists should be considered as combatants, according to Journal of Military Review "Patricia Zijl", Al-Qaeda does not have three following elements:

1. They do not wear uniform
2. They are not commanded by the commanders who are responsible for their operations
3. They do not obey the laws and regulations of war

Many theorists believe that terror operation is not a war operation. Mary Ellen O'Connell stated that most terrorist attacks are not promoted to the level of armed conflict. Therefore, they cannot be considered as "self-defense" according to Article 51 of the Charter. It is better to describe the terrorist attack as a crime since it has all the characteristics of crime (20). Miss O'Connell is not the only person who has such belief. Many experts believe that America should have a European perspective to the issue of terrorism. It must define terrorism as a criminal (not military) phenomenon.

There is a question here. Can the United States claim that the drone attacks on Pakistani troops have been based on Article 51 of the Charter? The only attack which can be mentioned by the United States as an armed attack on its territory is the 11 September attack. Moreover, the legitimate defense invasion is generally permitted in a limited period since the initial invasion. With the passing of time, the traditional law must be used to defend against a previous attack. Miss O'Connell states that:

*"The use of force is not applicable for defending long after the terrorist act since this loses the characteristics of being a defense and will have the illegal retaliation property."(20)*

Eventually, O'Connell believes that the War on Terror cannot be an armed conflict. She believes that this opinion has major challenges. She considers two following factors as differentiating factors between the war on terror and an armed conflict:

1. Uncertainty about the perpetrators of terrorist acts
2. A military offensive is a continued violation which can be amended only through military operations while terrorist acts cannot be modified with military operations.

The supporters of the idea of legality of targeted killing believe that Al-Qaeda accepted responsibility for September 11 attacks. Therefore, the perpetrators of this incident are not unknown. Al-Qaeda took the responsibility for several attacks against the United States and its allies after the September 11 attacks. It expressed the willingness to continue these

attacks. If the first requirement is met, since the September 11 operation had been finished, the perpetrators had been killed and violation had been terminated, this attack lacks continuous and incessant violation to be considered as self-defense.

Moreover, one of the main criticisms of America's drone program is civilian casualties. "Peter Bergen", the director of "the New America Foundation", noted that 94 percent of America's targets were people who have advocated the oppositionists of America (they were not al-Qaeda members)(21). Despite this fact, In April 2012, Washington Post reported that, according to the CIA's new plan, the American drones will target and kill Islamists suspected of collaborating with al-Qaida even before proving their identity and relationship. Prior to that, they attack the targets whose identity was clear at least for America's Army. The CIA tends to accelerate the attacks through bypassing the formalities. However, critics argue that such an action not only violates the Charter but also causes the murder of innocent people.

The world authorities believe that America's armed forces should be responsible for carrying out the drones attacks not the CIA. The most important criticisms of the targeted killing critics are as follows (2):

- The lack of passing the legal process in these kinds of killings is equal to extrajudicial and arbitrary process
- Increasing the causes of instability and violence
- Innocent people are killed as a result of the targeted killing
- Customary rules of warfare are not observed in such killings. Therefore, the use of this procedure is not based on human rights.

**8. European View on Targeted Killing:** The EU is committed to put human rights and the rule of law at the centre of its foreign policy, and many Europeans are likely to consider the widespread use of drones outside battlefield conditions incompatible with these principles (22).

The EU has in the past condemned Israeli targeted killing of Palestinians. For instance, in March 2004, the European Council issued a statement describing the recent Israeli strike against Hamas leader Sheikh Ahmed Yassin as an "extra-judicial killing". It added: "Not only are extra-judicial killings contrary to international law, they undermine the concept of the rule of law which is a key element in the fight against terrorism."(23)

In addition, there is a significant body of evidence that drone strikes in these regions have a damaging impact on local life and political opinion that can fuel anti-US and anti-Western sentiment.(22) A detailed study of drone strikes in Pakistan found that they deterred humanitarian assistance to victims (because of the alleged practice of "double-tap" targeting in which two missiles are launched successively at the same target), caused financial hardship to victims' extended families, exerted a psychological toll on communities, and inhibited social gatherings and community meetings. (24)

US drone strike practices also complicate intelligence cooperation between EU member states and the US, because of the risk that information handed over by Europeans will be used as the basis for lethal strikes that might be considered illegal in the source countries. In December 2012, the British High Court dismissed a case brought by a young Pakistani man whose father was killed by a drone strike, seeking to establish whether information provided by British intelligence services was used by the CIA's drone programme; the case is currently under appeal. (25)

Meanwhile, European governments are increasingly acquiring armed drones for their own military forces and, in some cases, encountering strong public or political opposition. German Defence Minister Thomas de Maizière's announcement of his wish to purchase armed UAVs for the Bundeswehr prompted campaigning groups to launch an appeal entitled "No Combat Drones" and provoked criticism from opposition parties. In the UK, the shift of control of British drones from Nevada to a Royal Air Force base in Lincolnshire led to a demonstration of several hundred people. Italy, the Netherlands, and Poland are among other EU member states that are seeking or considering the purchase of armed drones, and European defence consortia are exploring the possibility of manufacturing both surveillance and armed UAVs in Europe. To defuse public suspicion of drones in Europe, EU governments have an interest in reducing the controversy provoked by US actions and developing a clearer European line about when lethal strikes against individuals are permissible. (22)

Armed drones are proliferating (and developing in sophistication) rapidly beyond Europe. Perhaps the strongest reason for the EU to define a clearer position on drones and targeted killing is to prevent the expansive and opaque policies followed by the US until now from setting an unchallenged global precedent. Already Chinese state media have reported that the country's Public Security Ministry developed a plan to carry out a drone strike against a Burmese drug trafficker implicated in the killing of several Chinese sailors, though the suggestion was apparently overruled. (26)

In considering the development of EU policy on armed UAVs and targeted killing, it is important to distinguish between the different issues involved. Some critics of drones are opposed to any use of armed UAVs and would like European countries to forswear their acquisition and work against their proliferation. Campaigners argue that the development of drones "lowers the threshold to armed aggression" and is associated with an unacceptable level of civilian deaths. (27)

Yet seeking to ban the use of armed UAVs would not be an effective way to deal with these problems. There is little if any prospect of such a campaign gaining traction. Moreover, it would deprive European countries of a military and surveillance platform that many regard as attractive. For these reasons, the most constructive way for Europeans to address the dangers posed by UAVs is likely to be through working towards a clearer international standard for the use of force outside battlefield conditions, covering

substantive questions of targeting as well as transparency and accountability, both through discussions within the EU and dialogue with the US.

**9. Conclusion:** Targeted assassination is a new legal challenge which is created regarding the use of military drones. During the armed conflict as well as the peacetime, this can cause numerous legal challenges for the users of UAV (Unmanned Aerial Vehicle). Governments carrying out the targeted killing during the war must observe the regulations of humanitarian law. Obviously, there is no significant difference between unmanned aircraft or manned aircraft in this regard. The observation of basic principles of conflicts law and international humanitarian law is enough for legitimization of drone strikes. However, the participation of spy agencies in directing the drones is another challenging issue in armed conflicts.

To carry out targeted assassinations in peacetime, the risk of political assassination is serious for the government using the drone. In laboratory conditions, a drone attack in peacetime can be legitimate. This situation is related to the use of preventive legitimate defense. It can be applied when an individual or a group is attacked by drone, imminent danger happens to the lives of others and there is no possibility of arresting the perpetrators. Therefore, it can be said that carrying out the targeted assassinations by unmanned aircraft during armed conflicts is legitimate if it is in accordance with the provisions of international humanitarian law and the law of armed conflict. In times of peace, these attacks can be legitimate only under very rare circumstances.

It seems that clarity in attacks is the most important prerequisite for judging about the government's commitment during a military operation. It has not been mentioned in any major sources of the international law. The technical and legal mechanisms necessary to clarify the military operations of UAVs must be edited by academic circles and presented to international organizations.

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