

# Targeted Killings in Armed Conflicts: A Violation of Human Rights Norms under International Law

Dr. Lugard A. Emokpae

Senior Lecturer

Igbinedion University, Okada [lugardemokpae@yahoo.com](mailto:lugardemokpae@yahoo.com),

[lugard.emokpae@iuokada.edu](mailto:lugard.emokpae@iuokada.edu) 08056184400

## Abstract

Targeted killings have become a norm in the fight against insurgency across the world. Perceived enemies are often targeted and eliminated through whatever means are deemed suitable, thereby circumventing a fair trial for those perceived as enemies. Perpetrators of this practice believe that such actions can deter the spread of terrorism or, at best, represent the most effective option for eliminating enemies of the state. Notable figures across the globe have been eliminated through this practice, in which world superpower nations and non-international state actors are equally complicit. This practice has fundamentally eroded the right to life — a fundamental right guaranteed by various human rights instruments such as the Universal Declaration of Human Rights (UDHR), the European Convention on Human Rights, the African Charter on Human and Peoples' Rights, and others. These instruments recognize the necessity of preserving human rights at every level. The methodology of this research is qualitative, adopting a doctrinal approach informed by interviews and social media sources. The findings of this research constitute a call for proactive action in checking the perpetrators of this practice and holding them accountable. It further reveals that perpetrators routinely disregard the sanctity of human rights in their operations, which is both barbaric and deeply troubling. It is the submission of this article that the arbitrary deprivation of human life is contrary to the tenets of all human rights law, as taking human lives without due process erodes the very purpose of all human rights instruments.

**Keywords:** Human Rights, Humanitarian Law, Targeted Killings, Universal Declaration of Human Rights, Geneva Convention.

## Introduction

The right to life is, in all situations, a right that must not be denied to any human being. Life is sacrosanct and must be preserved in all circumstances. The arbitrary taking of life is, to that

extent, an aberration against God and man, and against nature. No justification whatsoever exists for the taking of human lives. In keeping with these principles, the Nigerian Constitution<sup>1</sup> places the right to life as fundamental for all persons, notwithstanding the provisions of Section 45 of the Nigerian Constitution, which sometimes permits derogation from that right<sup>2</sup>. Every person has a right to life<sup>3</sup> and no one shall be intentionally deprived of it, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria.

It has reached a worrisome dimension: many nations are increasingly adopting targeted killings as a policy against terrorism, unlawfully justifying the use of lethal force against individuals suspected of posing threats to national security. This intentional and pre-emptive practice of eliminating suspects has raised serious concerns regarding the fundamental rights of the individuals concerned. Advanced military tactics — particularly the use of drones and aerial machinery — frequently employed in targeting suspects, have serious implications for the law of armed conflict under international law. International law has provided adequate guidelines for combatants and non-combatants during times of hostility; however, this is subject always to the sanctity of human life under the rule of law.

### **What is Targeted Killing?**

The definition of targeted killings presents difficulties in precision, owing to the divergent views expressed by scholars who have often linked it to assassination. Scholars acknowledge that assassination and targeted killing are related but are not the same. Assassination is the deliberate killing, without trial, of a perceived political enemy for political reasons; it is usually carried out by treachery and may take place at any time, whether during war or peace. Assassination is typically motivated by political ideology and dates back to antiquity — Julius Caesar was assassinated in 44 BC. The term is conventionally associated with the killing of heads of state or prominent political figures. Assassination is not connected with the pre-emptive elimination of an individual who personally, or as part of a larger group, plans to conduct an asymmetric attack against a given state. Rather, this category of killing is reserved for political opponents. Notable political figures have been assassinated throughout world history by their political enemies: US

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<sup>1</sup>Section 33 of the 1999 Constitution.

<sup>2</sup>Section 45(1)(a)(b).

<sup>3</sup>Section 33(1) of the 1999 Nigerian Constitution.

President John F. Kennedy<sup>4</sup>, General Murtala Mohammed<sup>5</sup> of Nigeria, and President Abraham Lincoln<sup>6</sup> of the United States, among others.

It is important to note that, while no universally accepted definition of targeted killings exists, it is safe to assert that the phenomenon is closely associated with the elimination of perceived state enemies suspected of threatening the peace of a nation. International law has not provided any recognized definition of targeted killings. However, Philip Alston addressed the subject and defined it as the intentional, premeditated, and deliberate use of lethal force by a state or its agents acting under colour of law, or by an organized armed group in armed conflict, against a specific individual who is not in the physical custody of the perpetrator. A renowned scholar<sup>7</sup> of defence further posited the following definition:

*“It is the premeditated, pre-emptive and intentional killing of an individual known or believed to represent a present and/or future threat to the safety and security of a state through affiliation with terrorist groups or individuals.”*

Stephen David, another distinguished scholar of international law, further illuminated the meaning of targeted killings as the intentional singling out of a specific individual or group of individuals, undertaken with explicit government approval. It is argued that there is no justification for the use of such methods in the fight against terrorism within the framework of human rights law, not even on the ground of self-defence.

### **Catalogue of Targeted Killings**

Israel is one of the nations that has heavily relied on targeted killings as a principal means of repelling enemies. The country has a long history of such operations. In July 2024, Ismail Haniyeh and Fouad Shukr, top military commanders of Hezbollah, were killed by Israeli targeted strikes. In April 2024, Israel targeted Mohammed Deif, the shadowy military commander of Hamas, in an offensive airstrike in the Gaza Strip, killing him and approximately 90 others, including children.

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<sup>4</sup>Assassinated November 22nd, 1963.

<sup>5</sup>Assassinated February 13th, 1975.

<sup>6</sup>Assassinated April 15th, 1865.

<sup>7</sup>See Thomas B. Hunter; Targeted Killings: Self-Defense, Pre-emption, and the War on Terrorism. Journal of Strategic Security Vol.2, No.2. May 2009, Pp. 1–52.

In April 2024, two Iranian military generals were killed by Israeli strikes on the Iranian consulate in Syria. In January 2024, an Israeli drone strike in Beirut killed Saleh al-Arouri, a senior Hamas leader in exile. In December 2023, Seyed Razi Mousavi, a long-time adviser to the Iranian Islamic Revolutionary Guard Corps in Syria, was killed in a drone attack near Damascus.

In 2019, an Israeli airstrike struck the home of Baha Abu al-Ata, a senior Islamic Jihad commander in the Gaza Strip, killing him and his wife. In 2012, Ahmed Jabari, head of Hamas's armed wing, was killed when an airstrike targeted his vehicle during an eight-day conflict between Hamas and Israel. In 2010, Mahmoud al-Mabhouh, a senior Hamas operative, was killed in a Dubai hotel room.

In October 2024, Yahya Sinwar, head of Hamas's military wing and political leader, was targeted and killed. In September 2024, Osama Tebesh, chief of Hamas's surveillance and targeting division, was killed in a targeted Israeli airstrike. On September 9, 2024, Samer Abu Daqqa, head of Hamas's aerial unit in Gaza, was killed in a targeted airstrike. In August 2024, Ahmed Fawzi and Nasser Mohammad Wadiyya, commanders of the Daraj Tuffah Battalion of the Nukhba force, were killed in an Israeli airstrike. On August 17, 2024, Raafat Dawasreh, commander of the Jenin Battalion, was killed in an Israeli drone strike on a vehicle in Jenin. On August 20, 2024, Youssef al-Qahlout was killed along with approximately 100 other Palestinians in an Israeli airstrike.

In July 2024, Ismail Haniyeh, head of the Hamas political bureau, was targeted and killed by a bomb detonated at his location. In October 2024, Hashem Safieddine and Hassan Nasrallah were targeted and killed.

The American government has also employed targeted killings as a means of combating enemies of the state and protecting its interests in foreign jurisdictions. Under President George W. Bush, targeted killings became a frequent tactic<sup>8</sup>. They grew more prominent still during the Obama administration. In 2011, the United States targeted Osama bin Laden, killing him in Operation Neptune Spear in Pakistan after a lengthy manhunt.

Another prominent targeted killing involved Ayman Mohammed Rabie al-Zawahiri, who was killed on July 31, 2022, by a drone strike. An Egyptian-born pan-Islamist militant and physician,

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<sup>8</sup>David Johnson and David E. Sanger, Threats and Responses: Hunt for Suspects, The Wayback Machine. New York Times, 6/11/2002.

he was said to have orchestrated the September 11, 2001 attacks<sup>9</sup> against the United States and to have played a role in the assassination of Egyptian President Anwar Sadat in 1981. In 1986, the human rights group Americas Watch reported that under President José Napoleón Duarte of El Salvador, approximately 240 targeted killings were carried out throughout 1985<sup>10</sup>.

In the 1990s, targeted killings featured prominently in the Somali civil war. Aid worker Sean Devereux was alarmed by the notoriously extensive use of targeted killing tactics against rivals in Kismayo. In Rwanda, the Hutu army and militias also employed targeted killings against political rivals. These political targeted killings served as a prelude to the general massacre that took place in Rwanda<sup>11</sup>.

In December 2025, President Donald Trump ordered targeted strikes against the Islamic State (ISIS), a jihadist group then active in parts of northern Nigeria. The President was quoted as saying:

*“The United States launched powerful and deadly strikes against ISIS terrorist scum in north-west Nigeria, who have been targeting and viciously killing primarily innocent Christians at levels not seen for many years, or even centuries.”*<sup>12</sup>

Targeted killings have become particularly widespread as a measure of self-defence by states that have suffered severe international terrorism. The September 11, 2001 attacks on the United States became a firm catalyst for the use of targeted killings against supposed enemies. However, these actions have created the scourge known as extrajudicial killings or extrajudicial punishment, in which many innocent victims have suffered, owing to the inherent limitations of operations that carry negative impacts on human rights.

Whether a state is fighting any form of threat such as terrorism or other enemies of the state, there are binding rules to be followed. Humanitarian law makes adequate provisions that are complemented by human rights law in dealing with such menaces, so that the dignity of human life is held in the highest esteem. Various United Nations instruments contain statutory

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<sup>9</sup>Plummer, Robert, Ayman al-Zawahiri: Al-Qaeda Leader Killed in US Drone Strike, August 1st, 2022. Accessed 26/12/25.

<sup>10</sup>Rights Group Reports on Abuses in El Salvador. United Press International. Reported 29/5/86.

<sup>11</sup>See Rwanda Human Rights Practices. Department of State Dispatch. March 1994.

<sup>12</sup><https://leadership.ng/just-in-trump-orders-powerful-deadly-strikes-on-isis-terrorists-in-nigeria>.

provisions to protect human lives and property. To this end, we shall examine the relevant provisions of humanitarian law and human rights norms.

### **Targeted Killings and the Law**

Human rights are the rights and privileges that one is entitled to enjoy by virtue of being human. They are a sacred aspect of every human being, irrespective of gender, race, colour, language, or location. These human rights provisions are prominently enshrined in the constitutions of nations. An entire chapter<sup>13</sup> of the Nigerian Constitution of 1999 is devoted to human rights. Human rights is a recurring theme in every national political discourse and has become a core issue in international diplomacy<sup>14</sup>. The fundamentals of constitutional democracies across the globe are that persons must not suffer discrimination, that every person has the right to life, and that the dignity of life must be upheld, whether during peace or armed conflict.

High thinkers such as Jean-Jacques Rousseau<sup>15</sup> argued in his work on the social contract that:

*War is in no way a relationship between man and man, but a relationship between states, in which individuals are enemies only by accident — not as men, but as soldiers.*

The objectives of war, however hostile in nature, do not suspend the requirements of human dignity. It is legitimate for states to apply the law of human rights as a necessity even on the battlefield, which is a transient theatre.

He further stressed that:

*“Since the end of war is the destruction of the enemy state, one is entitled to kill its defenders so long as they bear arms; but as soon as they lay down their weapons or surrender, they are mere men once more, and no longer subject to the right of war over their lives.”<sup>16</sup>*

At this point, once a belligerent has ceased to take part in hostilities by surrendering his weapons, he must be spared. There is no justification for targeting a soldier who is no longer part of a

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<sup>13</sup>Chapter 4 of the Nigerian 1999 Constitution.

<sup>14</sup>Chukwudifu Oputa; Human Rights in the Political and Legal Culture of Nigeria; A presentation at the 2nd Idigbe Memorial Lecture, University of Benin, 28th November, 1986.

<sup>15</sup>See Jean-Jacques Rousseau: A Treatise on the Social Contract, Chapter 4, 1762.

<sup>16</sup>Ibid.

conflict. Humanitarian law, being an integral part of the law of armed conflict, is essential to the protection of human lives, especially during hostility. Its purpose is to limit the effects of war on people and property and to protect vulnerable persons in particular. The nineteenth century saw major strides in the creation of internationally recognized laws governing the conduct and treatment of persons in warfare. Henri Dunant will be long remembered for his contribution to the development and codification of the highly regarded international humanitarian law, closely linked to the Geneva Convention of 1864. The Hague Conventions of 1899 and 1907 also contributed greatly to determining the manner in which belligerent states may conduct warfare, for the protection of civilians and those not engaged in battle, and for the preservation of the dignity of human rights.

The following are the major war conventions and treaties constituting the foundation of international humanitarian law:

#### **Geneva Convention for the Amelioration of the Condition of the Wounded in Armies in the Field (1864)**

This Convention concerns the protection of wounded soldiers and medical personnel.

#### **St. Petersburg Declaration (1868)**

This Declaration prohibited the use of explosive and incendiary projectiles.

#### **The Hague Conventions (1899 and 1907)**

These Conventions prohibited the use of certain projectiles and other weapons. By the early twentieth century, precisely in 1907, the Hague Conventions were expanded.

#### **The Geneva Gas Protocol (1925)**

The use of gas, poisonous substances, and other biological methods of warfare was prohibited.

#### **Geneva Convention (1929)**

This Convention revised earlier agreements and established specific provisions for prisoners of war.

#### **Four Geneva Conventions (1949)**

Widely ratified, these Conventions form the contemporary basis for international humanitarian law<sup>17</sup>. They address the following: the protection of the wounded and sick in armed forces on land and sea; the treatment of prisoners of war; and the protection of civilians during wartime. Not fewer than 196 countries have ratified these Conventions. They have since become customary international law, applicable to both state and non-state armed groups.

The Conventions define the rights of non-state combatants who fulfil the requirements to be classified as protected persons. They define rights for civilians, prisoners of war, and military personnel. They protect the wounded, sick, and shipwrecked, and guarantee other humanitarian protections.

Violations of these Conventions constitute the basis for criminal culpability. This was the solid foundation for the Nuremberg and Tokyo trials for World War II war crimes.

The 1949 Geneva Conventions have been supplemented by the following three Additional Protocols:

- Protocol I – relating to the protection of victims of international armed conflicts (1977)
- Protocol II – relating to the protection of victims of non-international armed conflicts (1977)
- Protocol III – for the adoption of an additional distinctive emblem

The concept of ‘protected persons’ is integral to the Geneva Conventions and refers to persons who undertake humanitarian services during armed conflicts. They are frequently victims of targeting by enemies. They may be civilians or military personnel who cannot be taken as prisoners of war, nor may they be attacked while bearing protective signs such as the Red Cross, Red Crescent, or Red Crystal.

Broadly, protected persons include citizens of a given state who entirely rely on the state for protection against all aggression and imminent danger. They are civilians who must not be targeted and must be treated humanely at all times, along with their property. They must be protected from dangerous zones of war, must not be sexually violated, and must not be denied access to healthcare facilities. The Conventions prohibit the use of civilians as shields against military operations or objectives.

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<sup>17</sup>United Nations Treaty Collection. Chapter 4: Human Rights. [treaties.un.org](http://treaties.un.org).

Targeted killings during armed conflicts must comply with the principles of distinction, proportionality, military necessity, and precaution, in full conformity with human rights law. Article 51 of the United Nations Charter affirms the inherent right of individual or collective self-defence for UN members in the event of an armed attack, yet the above four principles must apply.

Article 51 of the UN Charter states as follows:

*"Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security."*

States or individuals are permitted to act in self-defence against any act of terrorism. This article further provides that such action does not require the prior approval of the United Nations Security Council; the action must, however, be temporary, lasting only until the Security Council takes the necessary steps to restore international peace and security. Such action is no licence for violations of the principles of distinction, proportionality, military necessity, and precaution.

The Security Council may resort to the use of force or other military action where necessary to ensure global peace and security. A prominent example was the Gulf War of 1991, in which the Security Council successfully compelled Iraq to withdraw its occupation of Kuwait through the use of proportionate military force. The article also provides the basis for collaborative efforts in tackling pending dangers against states.

### **Killings and Destruction by Targeted Operations**

It remains contrary to human rights law for targeted killings to be permitted without regulation, as such killings raise a range of serious legal concerns. While combatants or civilians directly participating in hostilities may be targeted, this does not justify targeting individuals solely on the basis of association or ideology. A state may use lethal force only when it is absolutely necessary to protect life and where less lethal measures are unavailable. The European Court of

Human Rights and United Nations special procedures consistently affirm that extrajudicial killings constitute a violation of the right to life where not accompanied by legal justification.

Under various human rights laws, for a state to employ lethal means, it must demonstrate strict adherence to the legal requirements of necessity and proportionality. Article 51 of the UN Charter requires that self-defence be necessary and proportionate to the aggression. The United States invoked Article 51 of the UN to justify the targeted killing of Qasem Soleimani<sup>18</sup> and operations in Iraq and Syria against Iran-backed militia groups. Legal debate persists over whether Article 51 can justify action against potential future threats, drawing on the example of the American strike against Iraq based on accusations that it possessed weapons of mass destruction — accusations which ultimately proved false. America's action against Iraq was not authorized by the Security Council; yet the United States exercised its veto power as a permanent member of the Security Council (P5). It remains unexplained to date how Iraq represented a security threat to the United States in its distant jurisdiction.

In 2020, America invoked self-defence under Article 51 of the UN Charter in respect of a US action against a vessel in the Caribbean, linking it to a threat against American security. In 2018, the US shot down a Syrian aircraft attacking its partner forces (SDF) and conducted strikes against Syrian regime targets, claiming collective self-defence on behalf of its partners and individual self-defence of US forces.

In 2025, American air forces and naval assets attacked three nuclear facilities in Iran as part of the Iran-Israel conflict, targeting the Fordow Uranium Enrichment Plant, the Natanz Nuclear Facility, and the Isfahan Nuclear Technology Centre, in a heavy bombardment using fourteen GBU-57A/B Massive Ordnance Penetrator (MOP) bunker-buster bombs. The operation was named Operation Midnight Hammer<sup>19</sup>. The bombardment of these facilities was described as a proactive step against the imminent dangers they posed to global security.

At this juncture, one must ask: can there be a justification for targeted killings or destruction that carries no adverse effects on human rights? The Universal Declaration of Human Rights (UDHR)<sup>20</sup>, adopted in 1948 by the General Assembly, sets out the need to prioritize human

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<sup>18</sup>Lieber Institute West Point. <https://lieber.westpoint.edu>.

<sup>19</sup>Borger, Julian, Senior Reporter with The Guardian, London, reported on June 22, 2025.

<sup>20</sup>UDHR – 1948.

rights as fundamental rights that must be universally protected and supported by all available instruments.

The two major international instruments<sup>21</sup> — the International Covenant on Civil and Political Rights (ICCPR)<sup>22</sup> and the International Covenant on Economic, Social and Cultural Rights (ICESCR) — insistently call for the protection of human rights even during hostility. Article 6 of the ICCPR states that everyone has the inherent right to life and that it must be protected by law; it further provides that no derogation from this right is permissible even in times of emergency, unlike other rights.

The right to life, even in emergency situations, constitutes the bedrock for all other rights and must not be arbitrarily violated even in times of war. Article 11 of the ICESCR situates the human right to an adequate standard of living as a necessity, permitting no harm to life at any time. The right to life therefore encompasses issues such as extrajudicial killings by state agents on any grounds.

Article 4(1) of the American Convention on Human Rights provides that:

*Every person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception. No one shall be arbitrarily deprived of his life.*

The American Declaration of the Rights and Duties of Man, in its Article I, provides as follows:

*Every human being has the right to life, liberty, and the security of his person.*

The League of Arab States, in Article 5(1) of the Arab Charter on Human Rights, states:

*Every human being has the inherent right to life.<sup>23</sup> This right shall be protected by law. No one shall be arbitrarily deprived of his life.<sup>24</sup>*

The Convention on the Rights of the Child provides that all States Parties recognize that every child has the inherent right to life<sup>25</sup> and that States Parties shall ensure to the maximum extent possible the survival and development of the child<sup>26</sup>.

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<sup>21</sup>ICCPR – 1966.

<sup>22</sup>ICESCR – 1966.

<sup>23</sup>Art. 5(1), Arab Charter on Human Rights.

<sup>24</sup>Art. 5(1), Arab Charter on Human Rights.

<sup>25</sup>Art. 6(1) of the CRC.

From the foregoing, it is clear that any violation of human life constitutes a violation of international humanitarian law. For instance, the use of heavy weapons artillery that results in death, or the disregard for civilian casualties, qualifies as a violation of the right to life.

Article II of the Genocide Convention is significant in describing violations of human rights:

- Killing members of a group
- Killing members of a group;<sup>27</sup>
- Causing serious bodily or mental harm to members of the group;<sup>28</sup>
- Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.<sup>29</sup>

The Geneva Conventions of 1949 and their Additional Protocols, as the governing norms of armed conflict, provide that barbarism and the arbitrary use of force in all forms of hostility violate the rules of war. The Geneva Conventions are the core of international humanitarian law. The Conventions call for measures to be taken to prevent breaches of the rules, which would ultimately have negative impacts on human life.

It is worth mentioning at this point that, despite the imperative to protect human rights from erosion, it is important to consider Article 2(3) of the European Convention on Human Rights, which reads:

*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:*

- *In defence of any person from unlawful violence;*
- *In order to effect a lawful arrest or to prevent the escape of a person lawfully detained;*
- *In action lawfully taken for the purpose of quelling a riot or insurrection.*

It is evident that many states are in violation of these provisions on the basis of psychological motives and self-interest. For instance, the killings at the Lekki Toll Gate during the #EndSARS

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<sup>26</sup>Art. 6(2) of the CRC.

<sup>27</sup>Art. II(a) of the Genocide Convention.

<sup>28</sup>Art. II(b) of the Genocide Convention.

<sup>29</sup>Art. II(c) of the Genocide Convention.

protests of October 2020 in Lagos, Nigeria, constituted a clear violation of sub-sections (a) and (c) of this Convention. That incident is reminiscent of other killings carried out in the suppression of riots and peaceful protests. In 2024, the Nigerian police killed more than 24 people across Kano, Jigawa, and Katsina during the End Bad Governance protests.

Amnesty International reported that:

*“A year on, despite the gravity of these human rights violations, not a single member of the security forces has been prosecuted.”<sup>30</sup>*

The barbarism of the Nigerian security forces in deploying lethal weapons in violation of international humanitarian law’s provisions concerning non-state actors is wholly unacceptable. Sanusi lamented that the state is complicit in shielding the perpetrators of these offences relating to the use of lethal force by state agents, which grossly violates the rules of international humanitarian law, and expressed concern about how long it will take for justice to be served.

### **Protected Areas during Armed Conflicts**

Under international humanitarian law, certain areas are of special concern and are prohibited from being targeted. These are identified under the Geneva Conventions (1949) and their Additional Protocols as follows:

**(A) Civilian objectives, such as:**

- Residential homes, villages, towns, and cities with no military objectives
- Market places and shopping areas

**(B) Medical and humanitarian facilities, including:**

- Clinics and hospitals
- Ambulances and medical transport
- Red Cross and Red Crescent facilities

**(C) Cultural heritage sites and places of worship, such as:**

- Churches, mosques, temples, and traditional shrines
- Museums and libraries

**(D) Educational institutions, including:**

- Schools and universities

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<sup>30</sup>Isa Sanusi, Director of Amnesty International Nigeria. <https://www.amnesty.org.ng>.

**(E) Social services centres, including:**

- Prisoner-of-war camps
- Civilian detention centres
- Refugee camps and UN-declared safe zones

**(F) Critical infrastructure, including:**

- Water supply systems
- Hydro-electric power installations
- Nuclear power stations
- Lakes and dams

**(G) Agricultural and natural resources, including:**

- Farmland and irrigation systems
- Livestock, forests, and natural reserves

By virtue of international humanitarian law, the above locations are immune from attack during armed conflicts, on the condition that these facilities are not used for military operations, as weapons storage, or as meeting points for military operations. Articles 48 through 56 carefully enumerate them alongside other relevant laws of war.

Article 48, in conjunction with Protocol I of 1977, establishes the principle of distinction between civilian and military targets during hostility. Article 51 of the Geneva Conventions is the key provision of Protocol I; it prohibits any attack not directed against a definite military objective, and also prohibits indiscriminate weapons. Where a strike or targeted operation against a military objective is being planned and it is found that the lives and occupations of civilians are endangered, such an attack must be abandoned. Article 51 further provides that if any attack is expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated, such an attack must also be forfeited.

The law of armed conflict acknowledges that while it may be extremely difficult to rule out consequential effects on civilians during operations, those effects must be reasonable in proportion to the military advantage sought. In other words, commanders of military operations must always assess the proportionality of the expected harm to civilians in comparison to the

intended military advantage<sup>31</sup>. Precautionary measures are always advisable where civilian casualties are likely during any armed conflict; moreover, any intelligence relied upon must be current and verified, rather than based on outdated information. Article 51 also prohibits the shielding of military objectives with civilians. Hamas has been accused by Israeli authorities of employing this practice.

According to Israeli Prime Minister Netanyahu:

*“Hamas uses schools, residential buildings, mosques, and hospitals to fire rockets at Israeli civilians as a human shield for terrorist activities.”*<sup>32</sup>

There are also reports that Hamas has been notorious in its violation of international humanitarian law and the disregard of human rights. It was reported by Anne Barnard and Jodi Rudoren<sup>33</sup> that in Gaza City, militant rockets were observed being launched from crowded neighbourhoods, near apartment buildings, schools, and hotels, resulting in substantial civilian casualties. This same practice of using civilian cover in the Gaza Strip was repeated in 2025 by Hamas fighters in their conflict with Israel, and it violated the rules of war.

The use of human shields is highly condemnable as a war tactic, as it exploits the presence of civilians and places them in the front line of destruction<sup>34</sup>. The concealment of military assets within civilian infrastructure is equally prohibited under this Article.

## **The Hague Convention**

The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict is another instrument within the framework of international humanitarian law, providing for the conservation of cultural heritage during armed conflicts.

The preamble of the Convention provides as follows:

*“...any damage to cultural property, irrespective of the people to whom it belongs, is damage to the cultural heritage of all humanity, since each people contributes to the world’s culture...”*<sup>35</sup>

<sup>31</sup>Hans-Peter Gasser, *International Humanitarian Law*, 1993, p.63.

<sup>32</sup>Prime Minister Benjamin Netanyahu, statement during the war between Israel and Hamas, reported July 23, 2014.

<sup>33</sup>Reporters for the Global Coalition to Protect Education from Attack (GCPEA). *New York Times*, July 23, 2014.

<sup>34</sup>*Ibid.*

The preservation of cultural centres and heritage is integral to the conduct of hostilities. The Convention provides for the protection of cultural property such as monuments of architecture, art, or history; archaeological sites; works of art; manuscripts; books; and other objects of artistic, historical, or archaeological interest, as well as scientific collections of any kind, regardless of their origin or ownership<sup>36</sup>.

Under the law of armed conflict, such monumental sites must not be targeted once they have been marked with the distinctive emblem — usually a blue shield — conferring immunity from attack. The obligations under this Convention serve as a treaty for the preservation of human history and identity<sup>37</sup>. The Rome Statute, adopted in 1998, consequently empowers the International Criminal Court (ICC) in its Article 8(2) to criminalize violations of this Convention as war crimes, punishable as such. In 2015, Ahmad Al Faqi Al Mahdi was charged before the ICC in connection with the destruction of mausoleums in Timbuktu<sup>38</sup>.

Another important area governed by the Geneva Conventions is the protection of persons who are no longer active participants in hostilities — including members of the armed forces who have laid down their arms and are placed hors de combat by sickness, wounds, detention, or any other cause. With particular reference to non-international armed conflicts, persons in this category must be treated humanely, irrespective of race, colour, religion, faith, sex, birth, or wealth<sup>39</sup>.

### **Non-International Armed Conflicts**

These conflicts, typically referred to as internal conflicts, may involve state actors and non-state actors. Non-state actors are usually referred to as rebels, insurgents, revolutionaries, or freedom fighters. These groups may engage in violence — a situation common with insurgent groups fighting to seize the reins of power, to obtain greater autonomy within a state, or to create a state of their own through secession or self-determination. They may invoke several international human rights provisions, such as those of the ICCPR and the ICESCR, for justification. A

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<sup>35</sup>Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, came into force 1954.

<sup>36</sup>See <http://www.UNESCO.org/en/heritage-armed-conflicts/1954-convention>.

<sup>37</sup>See <https://en.UNESCO.org>; see also <https://ihl-databases.icrc.org>.

<sup>38</sup>The Prosecutor v. Ahmad Al Faqi Al Mahdi, International Criminal Court (ICC), 2015.

<sup>39</sup>Article 3(1) of the Geneva Convention.

notable example is the Biafran Civil War<sup>40</sup> in Nigeria (1967–1970), said to have been caused by the marginalization and oppression of a group within the Nigerian federal state.

More recently, religion has become another factor driving internal armed conflicts in certain jurisdictions. Nigeria is a significant example, as the Boko Haram insurgency originated there. The desire to Islamize the country was central to the agenda of Mohammed Yusuf, the self-styled founder of the separatist group. Boko Haram gradually spilled out of Nigeria into neighbouring countries, thereby acquiring the character of an international armed conflict. The group affiliated itself with ISIS, Al-Qaeda, and other religious radicals. Other such groups include Al-Qaeda in the Maghreb in North Africa, and Al-Shabaab in Somalia.

All these groups, composed of non-state actors, are notorious for terrorism across several regions of the world. They are nonetheless entitled to enjoy the same rights as contained in humanitarian law, insofar as human rights are universal rights conjoined with the rights under humanitarianism. The distinction between humanitarian law applicable in non-international conflicts and human rights law does not alter the fact that both bodies of law are directed at a common goal — to give and guarantee respect for human dignity at all times, as contained in the International Bill of Rights of 1966<sup>41</sup>. Although states retain their sovereignty as distinct territories governed by their own laws and order, international law is not without limits in respect of the sovereign rights of a nation in the context of internal conflicts. Provisions exist that recognize a right to interfere in the internal affairs of a nation, particularly on matters of humanity, security, and terrorism. It is also recognized that the security of states is a matter connecting the entire world; accordingly, all provisions of the laws of war are also applicable to internal or civil conflicts within a country.

Protocol II<sup>42</sup> of the Geneva Convention extends humanitarian protections to victims of non-international armed conflicts, building on Common Article 3 of the Geneva Conventions to provide for humanity in hostility.

Both sides of a non-international armed conflict are obliged to observe the law as stated in the Geneva Conventions; a derogation from these provisions may lead to prosecution for war crimes. Former Liberian President Charles Taylor is currently serving a prison term for his failure to

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<sup>40</sup>Odumegwu Ojukwu, a Nigerian separatist, led the civil war from 1967–1970.

<sup>41</sup>See the ICCPR and ICESCR provisions.

<sup>42</sup>Protocol II of the Geneva Convention, adopted in 1977.

comply with these rules. The law of non-international armed conflict must be accepted and observed by both the government and insurgents alike. International law is binding on both state and non-state actors, since all are subjects of international law and must be protected as such.

Therefore, the rule of humanitarian law prohibits any arbitrary taking of life, including through targeted killing. Under Protocol II of 1977, human rights remain the sacred property of every individual, and human rights norms remain particularly important irrespective of a state's negligence in safeguarding them during any insurrection against the state or repression against opposing forces.

### **The Limitation Clause in the Prohibition of Targeted Killings during Armed Conflicts**

The taking of life is highly condemnable and must be avoided at all costs. The sanctity of life cannot be quantified on any material basis; all customary and international law place the highest value upon it, and by every means it must be preserved. There are, however, limitations to the extent to which human life may in practice be protected. Some nations still employ the death penalty, but absolute procedural safeguards are typically maintained by granting automatic rights of appeal to the convicted. Many death sentences have been commuted to life imprisonment in various nations. Despite all such protections, targeted killings may sometimes be permitted where necessary to save more lives and property from terrorists who pose a greater threat to a nation — for example, where a suspect is in possession of an explosive device capable of causing mass death and destruction. The suspect may be targeted from a distance, subject to the principles of necessity and proportionality. This must be a measure of last resort, and the operation must be carefully planned to avoid civilian casualties.

The use of drones in the targeting of suspects is not sanctioned by human rights law, as enumerated in the following instruments:

- The Universal Declaration of Human Rights (UDHR)
- The Universal Declaration of Human Rights (UDHR)<sup>43</sup>
- The International Covenant on Civil and Political Rights (ICCPR)<sup>44</sup>
- The International Covenant on Economic, Social and Cultural Rights (ICESCR)<sup>45</sup>

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<sup>43</sup>See generally UDHR (1948).

<sup>44</sup>See ICCPR (1966).

<sup>45</sup>See ICESCR (1966).

- The Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT)<sup>46</sup>
- The American Convention on Human Rights (ACHR)<sup>47</sup>
- The African Charter on Human and Peoples' Rights (ACHPR)<sup>48</sup>
- The Geneva Conventions<sup>49</sup>
- The Rome Statute of the ICC<sup>50</sup>

## The Way Forward

Any act of terrorism is highly prohibited and outlawed in all constitutional democracies across the globe. Counter-terrorism methods that fail to adhere to the various rules of engagement and to respect human rights are also prohibited under international humanitarian law.

The trials at Nuremberg and Tokyo, which brought various leaders of the Second World War to account, are a typical demonstration of the strict rules of law regarding human rights violations. Many world leaders have at one time or another faced numerous accusations of violations of the laws of war during armed conflicts, whether national or international. President Hosni Mubarak of Egypt, Saddam Hussein of Iraq, and Charles Taylor of Liberia all faced the disciplinary jurisdiction of the International Criminal Court (ICC). Accordingly, targeted killing falls within the category of extrajudicial killing, which is a criminal offence that renders its perpetrators liable.

A suspect may not be deemed guilty until a competent court of law has pronounced upon it. Targeting a suspect without affording him a fair hearing constitutes a grave erosion of the victim's fundamental rights. It is evident that the targeted killing of individuals solely on the basis of suspicion is a departure from international human rights law, and a breach that may itself constitute a war crime.

The killing of Osama bin Laden — a world-infamous figure linked to the September 11, 2001 attacks in America — was carried out with no trial before any court. The killing of Mohammed Yusuf, founder of Boko Haram, in 2010 in Nigeria was carried out by Nigerian security forces without trial. Similarly, Ahmed Jabari, a senior Hamas leader, was targeted and killed in his

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<sup>46</sup>See CAT (1984).

<sup>47</sup>See ACHR (1969).

<sup>48</sup>See ACHPR (1981).

<sup>49</sup>See Geneva Convention and the 1977 Additional Protocols.

<sup>50</sup>The Rome Statute of the ICC (1998).

vehicle in Gaza. Baha Abu al-Ata was targeted and killed along with his wife. The list of such cases is extensive.

The killing of Escobar, a notorious drug lord in Colombia, was also extrajudicial. The irony in such cases is that the killing of notorious figures like Escobar and Osama bin Laden through targeted operations appears to have been accepted without significant objection from global stakeholders and international actors. Although these men were considered extremely dangerous to human existence, did their abrupt elimination in an extrajudicial manner satisfy the norms of human rights law? The answer is no. Every life is precious in the eyes of human rights norms. A fair trial is essential to prevent a miscarriage of justice.

Fair hearings for suspects in all forms of criminal proceedings afford society the opportunity to explore the motives behind moral and social deviations, from which valuable lessons may be learned. Societal deviations are associated with distinct reasons and ideologies, sometimes rooted in frustration with state policies of exclusion or repression, or in the control of state resources, or in the pursuit of a degree of autonomy by a separatist group that the state is reluctant to recognize.

Sometimes, advocates of self-determination are labelled terrorists or rebels in their struggle for survival or for the actualization of their aspirations. States may exercise the power of territorial integrity in quelling any act of self-determination and label its champions as terrorists. Allowing suspects — including those involved in non-international armed conflicts — the opportunity to express their motives through constitutional processes would guarantee their right to a fair hearing and their right to human dignity.

It is important to state at this juncture that no amount of lethal force against terrorism can eradicate it; it will rather disperse the scourge into a more complex dimension to address. Targeted killings of suspected terrorists cannot stop terrorism, whether at the national or the international level.

Every state actor must endeavour to employ alternative dispute resolution in the pursuit of peace and the containment of terrorism. Violence has never been an effective means of resolving violence. A salient example of non-violent resolution was the case of the Niger Delta militants<sup>51</sup>

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<sup>51</sup>Chief Asari Dokubo and Government Ekpemupolo, alias Tompolo, were principal non-state actors who featured prominently during the guerrilla warfare with Nigeria.

in Nigeria, who disrupted the nation's oil pipeline infrastructure for years. The rebels were invited to enter into a settlement with the Nigerian government in 2010, and the success of that venture has resulted in the relative peace that the region has enjoyed to date.

## **Conclusion**

Human life is sacred. It must be spared at all times and, where possible, every effort must be made to protect its sanctity and preserve it, whether during war or in peacetime. Although human conflict is inevitable in the settlement of differences, human lives must not become instruments of arbitrary use in resolving such discord. Humanitarian law and human rights law are vital bodies of legislation that provide for the protection of lives and property at all times. No matter the level of provocation on either side of a conflict, the rules of law must be carefully observed.

While human rights law provides protection for human beings at all times, humanitarian law concentrates on wartime scenarios. The destruction of human lives and property during hostility must therefore be governed by the rules and principles that guide the entire theatre of conflict. In particular, the targeting of a suspect or perceived enemy to the point of depriving him of his life is most reprehensible and unacceptable under all human rights norms across the globe. However, where disagreements between parties to a conflict result in combat as a last resort, the principles of proportionality, necessity, and distinction must be adhered to in accordance with the law of war, and a breach of the rules of hostility may result in the invocation of the principles of the Rome Statute in the pursuit of justice.

This paper further concludes that targeted killings cannot prevent terrorism. Rather, the root causes of conflict must be investigated and resolved. Targeted killings typically have adverse effects on civilians and other property under the protection of international humanitarian law, despite all precautionary measures taken to preserve them. The use of arms has always come with destruction, and it is evident that post-war rehabilitation efforts have always imposed significant economic burdens on society at large.