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# Research Report

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Topic 3: Legal legitimacy of international assassination operations within foreign borders



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## Introduction

By the simplest translation, international assassination means the targeted killing of an individual without legal process and usually for reasons of political or military expediency in foreign borders. Assassination attempts have been an ongoing system that has been around for centuries. For example, Archduke Franz Ferdinand, nephew of Emperor Franz Josef and heir to the Austro-Hungarian Empire, was shot to death along with his wife by a Serbian nationalist in Sarajevo, Bosnia in 1914. The assassination of Franz-Ferdinand and Sophie set off a rapid chain of events, on July 28, Austria-Hungary declared war on Serbia, and the slight peace between Europe's great powers collapsed. Within a week, Russia, Belgium, France, Great Britain and Serbia had lined up against Austria-Hungary and Germany, and World War I had begun. As it is obvious, this method has been used as a political tool for centuries.

The assassinations which happened in Dubai and Budapest in recent years led to the alteration of the assassination policies which many countries use in order to eliminate individuals who are perceived as harmful, dangerous or briefly hostile. Assassination policies have been tried to be legitimized especially as a method against some states, especially Israel, USA, and Russia, against the countries or organizations that are perceived as enemies.

## Key Terms

**Legitimacy:** accordant with law or with established legal forms and requirements a legitimate government

**Muammar al-Qaddafi:** A man who seized control of the Libyan government in 1969 and ruled as an authoritarian dictator for more than 40 years before he was "overthrown" in 2011.

**Morality:** A set of personal or social standards for good or bad behavior and character

**Geneva Conventions:** Series of laws in order to help protect civilians and soldiers from the atrocities of war though they are generally broken

**1907 Hague Convention:** The closest thing in international law to a ban on assassination which prohibits signatories from attempting "To kill or wound treacherously individuals belonging to the hostile nation or army."

**Executive Order 11905:** An attempt to reform the United States Intelligence Community, improve oversight of foreign intelligence activities, and ban political assassination

**Targeted Killing:** To murder (a usually notable individual) by sudden or disguised attack often for political reasons

## Main Body

### **Historical Background**

Assassination as a tactic of war was a subject frequently discussed by historians of international law writing during the 17th and 18th centuries. Like stated before, assassination is one of the oldest tools of power politics that is simply why it's generally used for financial gain, from a desire to gain fame or reputation, to enforce their interests, or have targeted enemy military leaders to turn the fortunes of war. For these motives, a group of leaders or persons have been assassinated because of their beliefs. These motivations are not only caused by the need to gain political power. Though it can be used as a military and foreign policy doctrine or as a tool to create insurgents, modern day assassinations are conducted mainly by terrorist groups or countries.

There are many examples that can be given to this in the international arena. In the United States, four presidents; Abraham Lincoln, James Garfield, William McKinley, and John F. Kennedy respectively died at the hands of assassins. Adolf Hitler, also, was almost killed by his own staff and survived several attempts by other persons and organizations, Operation Foxley can be given as an example though it was never put into practice. Between the 1930s and 1940s, Joseph Stalin's NKVD eliminated many heads of the organizations such as the Organization of Ukrainian Nationalists leader Yevhen Konovalts, Ignace Poretsky, Rudolf Klement, Leon Trotsky. Mahatma Gandhi who was the primary leader of India's independence movement was shot to death on January 30, 1948. The American civil rights activist, Martin Luther King, Jr. was assassinated on April 4, 1968, so was Malcolm X.

Many countries believe its strategic to eliminate people for their own benefits. Just after the Iranian Revolution of 1979, Iran began worldwide operations of assassination that lasted till the 1990s. After the Presidential Executive Order 11905 CIA in accordance with Her Majesties, Secret Service seemed to conclude their actions within the foreign borders however in the wake of the Sept. 11, 2001, attacks, so has the country's way of handling things. The Bush administration re-endorsed a policy of assassinations. Israel's Prime Minister Ariel Sharon has appealed to change American views to gain support for Israel's assassination campaign, which has taken about 140 lives during the Palestinian intifada (following the Israeli takeover of Palestinian regions, Palestinians staged two major uprisings, called the Intifadas, to regain losses.) and claimed the lives of the two Hamas officials.

These assassinations don't only happen in the West and Middle East. Kim Jong-Nam, the half-brother of North Korean leader Kim Jong-un, has been killed in Malaysia and South Korean media believes that North Korean agents are responsible for this action though no evidence has been provided yet. However, since Kim Jong-un took power he had no hesitation in executing officials perceived as a threat to his authority - in the most high-profile case, his uncle and senior mentor Chang Song-thaek.

In 2011 a senior NATO military official told CNN on June 9 that Gaddafi was a legitimate target of the bombing campaign, and after 4 months he was killed by Libya's rebels, the U.S., and NATO. No doubt that international law is against assassination; International law bans without exclusion, the extra-judicial killing and

considers it as a grave violation of international humanitarian law, and human rights agreements.

## Relevant Countries

**Russian Federation-** A new Russian law, adopted in 2006, is still valid and it formally permits the extra-judicial killings abroad of those Moscow accuses of "extremism". Though Russia's view on killing leaders of foreign lands hasn't change as it can be seen in their cooperation with Syria.

**Iran-** Since 1979, the senior administration of the Islamic Republic of Iran has been linked to at least 162 extrajudicial murders of the regime's political opponents in 19 different countries around the world. These operations increased violation of both international and national legal regimes.

**The United Kingdom of Great Britain and Northern Ireland-** Officially, the UK never had a such 'kill list' but David Cameron had to admit to a limited extrajudicial assassinations programme at the end of his time as the PM.

**United States of America-** It has claimed that the US has been conducting Foreign Assassinations of leaders since 1945 and many believe that it has been a popular method of regime change, although officially illegal for some of the time. The US government has carried out bombings and other efforts at so-called "regime change".

**Democratic People's Republic of Korea-** Assassination is not an unaccustomed term for North Korea, as they have tried to assassinate presidents of South Korea multiple times. They have also admitted kidnapping Japanese citizens in the 1970s and 1980s to train its spies in Japanese customs and language and after the training process killing them.

## Previous Attempts to Resolve the Issue

Even though Geneva Convention and Hague Convention briefly covers the issue, in reality only two major treaties explicitly address the topic of assassination: one being the Charter of the Organization of African Unity (OAU)<sup>35</sup> and the other being the Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents (New York Convention).

### OAU 35

"Unreserved condemnation, in all its forms, of political assassination..." yet this topic is only mentioned once and that is why it's insufficient.

([https://au.int/sites/default/files/treaties/7759-sl-oau\\_charter\\_1963\\_0.pdf](https://au.int/sites/default/files/treaties/7759-sl-oau_charter_1963_0.pdf))

## **The Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents.**

"Internationally protected persons" is a term founded by the convention, and refers to the heads of state, foreign ministers, ambassadors, other official diplomats.  
([http://legal.un.org/ilc/texts/instruments/english/conventions/9\\_4\\_1973.pdf](http://legal.un.org/ilc/texts/instruments/english/conventions/9_4_1973.pdf))

### **Possible Solutions**

There is no international law, and the rules that are alleged to exist are not respected among states. For this reason, if a binding resolution is written by delegates it may reduce the violations of human rights and conflicts between member countries to a minimum.

When governments find wrongdoings, individuals responsible for conducting or ordering unlawful attacks, they should be immediately investigated and disciplined or prosecuted as appropriate. Simply because of the right to life as it has been stated in the Declaration of Human Rights. "Everyone has the right to life, liberty, and security"

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