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Israeli policy of “extrajudicial punishment”, or “targeted killing”

In this article one of the discriminating phenomena of Israeli defense policy – targeted killings, as a means of Israeli intelligence to combat terrorism and protect national security are considered. The author gives the examples of using this measure in the history of the State of Israel, in particular, during the endless Israeli-Palestinian conflict, and shows the consequences to which these bloody actions have led. Moreover, advantages and disadvantages of using such method in the fight against terrorism have been analyzed from the moral and legal points of view. Furthermore, the effectiveness of this policy and its "conformity" with the Jewish law has been analyzed. In conclusion, the author proves the justification of using the “targeted killings” as last measures to ensure the security and to protect the state and the people.

Key words: Israel, the intelligence agencies, targeted killing, terrorism, the Middle East.

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Израиль арнайы қызметтерінің мемлекеттік қауіпсіздікті қамтамасыз ету жөніндегі шаралары: дәлдік жою

Бұл мақалада Израиль қорғану саясатының ерекше феномены, дәлірек айтқанда, Израиль арнайы қызметтерінің терроризмге қарсы, сонымен қатар мемлекеттік қауіпсіздікті қорғауға бағытталған әрекеттерінің бірі болып табылатын «дәлік жою» тактикасы қарастырылған. Автор Израиль мемлекетінің тарихында, атап айтқанда, Палестина мен Израиль арасындағы аяғы көрінбейтін қақтығыс аясында аталған қанды шараның қолданған кездерінің мысалдары мен оның салдарларын келтіреді. Бұған қоса, жоғарыда аталған терроризмге қарсы күрес шарасының заңды және моральдық артықшылықтары мен кемшіліктеріне талдау жасалып, «превентивті соққының» еврей заңына деген «сәйкестігі» қарастырылады. Қорытындысында мемлекет пен халықты қорғау үшін «дәлдік жою» тактикасының ең ақырғы шара ретінде пайдалануы орынды екені дәлелденеді.

Түйін сөздер: Израиль, арнайы қызметтер, «дәлдік жою», терроризм, Таяу Шығыс.

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Меры спецслужб Израиля по обеспечению государственной безопасности: точечная ликвидация

В данной статье рассматривается один из отличительных феноменов оборонительной политики Израиля, а именно – применяемая израильскими спецслужбами в борьбе с терроризмом и в целях защиты национальной безопасности тактика «точечных ликвидаций». Автором приведены примеры использования данной меры в истории государства Израиль, в частности, в ходе нескончаемого палестино-израильского противостояния, а также показаны последствия, к которым эти кровопролитные действия привели. Кроме этого, с правовой и моральной точек зрения проанализированы плюсы и минусы вышеназванного метода контртеррористической борьбы, а также рассмотрена эффективность проведения такой политики и её юридическое "соответствие" еврейским законам. В заключении автор доказывает оправданность использования тактики «точечных ликвидаций» в качестве крайней меры обеспечения безопасности и защиты государства и народа.

Ключевые слова: Израиль, спецслужбы, точечная ликвидация, терроризм, Ближний Восток.

Introduction.

Since the creation of Israel, its society lives in a hostile neighborhood that becomes even crueler. For a long time, this state and its people have been suffering from terrorism. And Israel has displayed great resilience facing national security challenges.

One of the controversial methods to protect the people and fight against terrorism that the Israeli secret services uses are "targeted killings", i.e. the premeditated killing of terrorists by a state organization or institution outside a battlefield. Originally it was created as a method of preventative strike, threats prevention and elimination of those people who plan the actual attacks, and whose existence and further anti-Israeli activities could lead to heavy casualties on the Israeli side. However, in Israeli practice there were situations when the "targeted killings" were used as a retribution tool for attacks already occurred (such as the operations against the militants of "Black September" after the Munich massacre in 1972).

In such campaigns, together with the specific targets, there were innocent casualties, simple civilians like relatives or ordinary passers-by that were near to the object. It should be noted that there are no legal or moral grounds for such blood purge without trial.

Considering the ambiguity of using such practices, the following question arises: Aren't such counterterrorist measures also a type of terrorism? Moreover, the question of the effectiveness of such extreme measures is a highly controversial, because they can not only frighten the enemy, but rather to spur his desire for revenge with greater ferocity.

Some of the "targets", accused terrorism against Israel were the residents of other states that were hostile to Israel. In this context, it was impossible to achieve their extradition for trial. In such situations, the Israeli secret service carried out an elimination of the leaders of terrorist organizations in the states where they lived, whether in Egypt, Lebanon, Syria, France or Norway. In this case, the legitimacy of such policy is even more controversial, because this violates international law, according to which countries are prohibited to conduct combat operations on the territory of other states with which they are not at war [2]. Moreover, such operations threaten deterioration of bilateral relations and even the rupture of diplomatic relations with the country whose interests was affected.

Israeli practice of "targeted killings" has more than fifty years of history. During this time, hundreds of people become victims, including Egyptian officers, German scientists who worked in Egypt, and the Palestinian Arabs. In order to eliminate the alleged Palestinian terrorists, Israelis used car bombs, military aircrafts, bullets and other weapons. Until the 2000s, Israel carried out its policy in the veil of secrecy and did not publicly take responsibility for it. However, after the outbreak of the second intifada, the policy of "targeted killings" pursues openly, bringing on Israelis criticism from the international community.

The main idea of this article is to consider thereasons of whyIsraelchooseto pursue the policy of "targeted killings" against PalestinianArabs, and toconsiderthe effectiveness of suchanti-terrorist policy.

How effective is the policy of targeted killing?

Israel, despite the deterioration of the regional security environment, still remains a strong state, and the difference between Israeli and its neighbors' powers is larger than ever. The same time, Israel exists in almost total regional isolation, and facing more terror, threats to the energy security, the sea lanes, and, finally, the prospects of a nuclear Iran [3].

It should be noted that none of Israeli Arab neighbors has a stable democracy within the state. And the situation for Israel is becoming more complicate with the beginning of the Arab Spring, the reducing of US ability to maintain the relative stability in this region, and the weakness of the pro-Western alliance in the Middle East, of which Israel is part.

In autumn 2000, with the preparation of Palestinian leader Yasser Arafat, second intifada broke out. During this intifada, also known as the Al-Aqsa Intifada, Palestinians by mass demonstrations and armed attacks on Israeli settlements and military installations were provoking Israel to use the armed force against the Arabs. At the beginning of the intifada, Palestinians used the tactic of guerrilla warfare. However, for the first year of the second Intifada this tactic has not brought any significant results.

In addition to the guerrilla war, radical Palestinian extremist groups organized acts of terrorism against innocent Israeli civilians. These actions led to the deaths of hundreds of Israelis.

Moreover the attacks have led to a decline in the Israeli economy, reducing the flow of tourists and demoralization of the population.

At the beginning, Israeli reprisals include methods that allowed avoiding massive casualties among Palestinian civilians (e.g. blockades of the territory, the destruction of infrastructure, etc.). But then the growing threat of terrorism and the increasing number of Palestinian armed groups forced Israel to use the tactics of "targeted assassinations" against the leaders of the Palestinian terror. Time has shown that this measure was effective to minimize losses and to reduce damage from terrorist activities.

There are some features that distinguish the "targeted killings" carried out since the beginning of the second Palestinian intifada, from previous one. Firstly, it is their frequency: before 2000s, such operations were relatively rare. Secondly, since the end of 2000 so many operations on "targeted assassinations" were assumed, that it attests a declining of the "bar" in relation to those people against whom the Israeli secret service ready to apply their harsh measures; most of the eliminated were mid-level leaders of the Palestinian terrorist organizations. Their neutralization could destroy a local terrorist network, but not so much that their murders could provoke retaliations.

The official Israeli position is that "targeted killings" were a necessary measure to prevent prepared terrorist attacks. In the first months of the Second Intifada, when there still were negotiations between the leaders of Palestine and Israel, the Palestinians received a list of wanted terrorists. They were not arrested by the Palestinian Authority, and it led to their destruction.

The policy of targeted killing is fully consistent with Jewish and Israeli law. According to the Jewish law, it is clear that if someone is coming to kill you, you are obligated to kill them first. This obligation applies not only for own protection, but also for the defense of one's community as well. Thus, killing a terrorist beforehand is not only permitted by Jewish law, it is required.

Israeli law is a bit more problematic, but here also the legality of targeted killing is not in much doubt. It is true that Israel does not allow capital punishment for its citizens. It is also true that Israel's Basic Law guarantees that, "There shall be no violation of the life, body or dignity of any person as such." However, the Basic Law allows these rights

to be suspended, "by a law befitting the values of the State of Israel, enacted for a proper purpose, and to an extent no greater than is required, by a regulation enacted by virtue a law" [1].

In Israel, there are three provisions that permit targeted killings. If Palestinian Authority ignore appeals for arrest of suspected terrorists and Israeli part concludes that they would be unable to arrest the individuals, then they will decide to kill to prevent an imminent or future terrorist attack—not for revenge or retribution. The Israeli High Court supported conditions that rejected petitions calling for an end to targeted killing. Thus, targeted killing is clearly consistent with Israeli law.

As for the international law, the situation is more complicated. Both international treaty and customary law outlaw assassination. There is a clear consensus that assassination violates international law. Nevertheless, there are strong reasons to believe that the Israeli policy of targeted killing is not the same as assassination. The Director of the Center for National Security Law and the University of Virginia Law School, John Norton Moore, explains, "If one is lawfully engaged in armed hostility, it is not 'assassination' to target individuals who are combatants." An American military lawyer, Charles J. Duncan agrees, "Contrary to popular belief, neither international law nor US domestic law prohibits the killing of those directing armed forces in war. Nations have the right under international law to use force against terrorists" [4].

If Israel is in "armed conflict" with the Palestinians, it will be a tantamount to war; Israel has every right to target those combatants that are considered as enemy. So Israel is legally justified in pre-emptively killing terrorists regardless of whether they have attacked Israel. War is a legal license to kill opponents whether it is targeted killing or more traditional combat.

Israeli policy of "targeted killings" definitely proven to be effective, as it is easier to prevent terrorism than bewail its consequences. First, this method has helped Israel to save lives, because the killers had died before realizing their cruel plans. Secondly, the effectiveness of the Palestinian terrorist organizations was shaken. Leaders responsible for planning and development of tactics are limited. In case of their destruction, the possibility of terrorist attacks by these organizations

significantly reduces. Third, Israel has gained a demoralization of Palestinian terrorists who have to constantly stay on the run in order to hide from the "chasteners".

Israel's policy of targeted killing has hurt the capability of its Arab adversaries to prosecute attacks against Israel. Terrorism is essentially an offensive action, making counter-offensive actions such as targeted killing an especially effective response. It is exceedingly difficult for Israel to defend itself from terror attacks or to deter terror attacks by Palestinians. In terms of defense, there are literally tens of thousands of targets in Israel for Palestinian terrorists: power stations, government bureaus, airports, skyscrapers, etc. It is impossible to defend them all. In such situation, the best response to terrorism is to go on a counter-offensive, that is, to eliminate the terrorist threat before it can be launched. One of the most successful means of eliminating terrorists before they can strike is the policy of targeted killing.

Targeted killing also acts as a deterrent. There is strong evidence that the policy of targeted killing hurts Palestinian organizations to the extent to which they are willing to alter their behavior. When Israeli Ex-Prime Minister Ariel Sharon met with three Palestinian leaders (though not Yasir Arafat) on January 30, 2002 and asked the Palestinians what they wanted from him, first on their list was an end to targeted killings [5].

Thus, the policy of targeted killing has prevented some attacks against Israel, weakened the effectiveness of terrorist organizations, kept potential bomb makers on the run, deterred terrorist operations, gained the support of the overwhelming percentage of the Israeli population, and done so while largely avoiding the sharp glare of publicity. It has not prevented all acts of terrorism, nor can it. But as part of a larger array of policies, including blockades, checkpoints, and incursions, it is seen to be a successful response to an intolerable threat.

However, this policy has its drawbacks. First of all, as it was mentioned above, the practice of "targeted killings" is contrary to the international law, as well as moral and ethical principles. Civilians often killed in the operations of liquidation, as well as in terrorist acts. This fact raises the issue

of legitimacy and justification for the use of such punitive measure, because borders between terrorism and counter-terrorism action erases, and counter-terrorism actions turn into terrorist acts.

Furthermore, for Israel to conduct this policy also has some disadvantages.

First, the policy of "targeted killings" requires a large expenditure to ensure constant preparedness of Israeli military forces and intelligence.

Secondly, pursue this policy often lead to the elimination of the really strong Palestinian leaders who could foster future peace talks. Killing people does not help the promotion and development of the negotiation process; but it rather undermining diplomatic efforts taken to reduce tensions in the Palestinian-Israeli relations.

Thirdly, in the eyes of the world community this policy looks like illegal murder. Former UN Secretary General Kofi Annan has often called on Israel to desist from "targeted killings" as acts which is contrary to international law and undermine efforts to achieve peace in the Middle East. Especially harsh criticism expressed after innocent casualties who killed in "targeted assassinations".

Conclusion

In conclusion, it should be noticed that despite the criticism of the international community, the contradiction of morality and law, economic expenditure on operations on "targeted killings" it makes sense for Israel to continue this policy. In the fight against terrorism any means to an end, even if they are not yet approved by international law. When lives and the security of citizens are at stake, the state must do everything to ensure their protection and to preserve their faith in their government. However, in the long term, if the ultimate goal of Israel is yet to establish peaceful relations with the Arab world, the main effort should be directed to the negotiating process. Another thing is that it is the loss of Palestinians by the Israeli "targeted killings" that may contribute their will to find a compromise and achieve peace in the Middle East as soon as possible. It is true that targeted killing provokes murderous retaliation, exposes informers, and uses scarce intelligence resources. For a dangerous region in an imperfect world, the policy of targeted killing must remain a necessary evil.

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