



INSS Insight No. 265, June 22, 2011

The United States and the Policy of Targeted Killing

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United States policy on targeted killings in the war on terror made headlines with the May 2011 raid by the Navy SEALs in the heart of Pakistan that killed al-Qaeda leader Osama Bin Laden. The SEALs were previously involved in commando actions of this type against other senior al-Qaeda figures. In September 2009, a SEALs team killed Saleh Ali Saleh Nabhan, an al-Qaeda commander in Somalia, in a land operation that was carried out in Somalia. Nabhan was the partner of Fazul Abdullah Mohammed, who was killed two weeks ago by Somali security forces. Fazul was sought by the United States for his involvement in the 1998 al-Qaeda suicide attacks on the US embassies in Kenya and Tanzania as the operational chief on the ground, and for his involvement as a commander, alongside Nabhan, in the coordinated al-Qaeda terror attack in Kenya in 2002. This attack included the attempted use of an anti-aircraft missile to shoot down an Arkia passenger plane departing from Kenya to Israel, at the same time that a suicide attack, which killed fifteen people, including three Israelis, was underway in the Mombasa Paradise Hotel. Another important object of US targeted killings was Ilyas Kashmiri, who was killed in early June in an aerial operation. Kashmiri was also in al-Qaeda's external branch unit and was a senior operational commander in a Pakistani jihad organization. His name was tied to fatal terrorist attacks executed and planned in India, Pakistan, and Europe.

These targeted killings are part of an intensive campaign in the war against global terrorism begun by the United States immediately after September 11. In the course of this campaign the United States has become entangled in a conventional war and in other ongoing, expensive, and bloody sub-conventional battles in a number of states. Given the complexity and the prolonged nature of the war against al-Qaeda and its affiliates, public opinion has come to feel that the terrorists have succeeded in making a mockery of the world's largest superpower and its allies.

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However, a careful examination of the terror fighting strategy, and especially the operational conduct of the United States, indicates that the combination of technology and human resources, along with actions by armed unmanned aerial vehicles, has allowed the Americans to carry out effective targeted attacks within the territories in which their ground forces' freedom of movement is limited. In this way, the United States and its allies have succeeded in killing or capturing the commanders of the special al-Qaeda unit that is responsible for carrying out terror attacks abroad. They have also been able to expel many additional senior military commanders and most of the senior activists of al-Qaeda and its main affiliates in the Taliban and other terrorist organizations and networks that operate in the Afghanistan-Pakistan sector. At the same time, the United States and its allies have succeeded in foiling most of the attempted terrorist attacks by al-Qaeda and global jihad activists.

In spite of the protests heard recently, mostly in Afghanistan and Pakistan, against the aerial killings because of the harm done to uninvolved civilians – harm caused both by the terrorist organizations' deliberate custom of taking shelter among a civilian population, and by human error – the United States, which is leading the struggle against al-Qaeda and its affiliates, has unmistakably and publicly adopted this pattern of action and is in particular implementing it in the sub-conventional battles underway in these theaters. Furthermore, the Americans have also recently been preparing to step up the use of targeted killings from the air in politically unstable Yemen, which against the backdrop of the increased activity of al-Qaeda in the Arabian Peninsula has been marked as another central theater of conflict. The United States, which about a decade ago had already used targeted killings sporadically in Yemen, recently began using them again when it attempted an aerial killing of Anwar al-Awlaki, a radical Muslim cleric and an official of al-Qaeda in the Arabian Peninsula.

The faint criticism of the intensive targeted killings campaign by the United States, which is heard only rarely around the world, is especially noteworthy in light of the serious condemnations Israel has received for the same conduct. For decades Israel has fought terrorism that threatened its citizens, and during this period it made sparing use of the tools of targeted killings against prominent terrorist leaders. The murderous large scale terrorism carried out against Israeli citizens during the second intifada, which was manifested largely in suicide terrorism, led to the government of Israel's developing and expanding the use of this operational tool and aiming it at the most prominent and dangerous planners and perpetrators of terrorism. Targeted killings played a major though not exclusive role in Israel's success in rooting out suicide terrorism and undermining the violence of the first years of the second intifada. Significantly, the use of targeted killings was regulated by Israel's Supreme Court and was permitted only against those who beyond a doubt were actively engaged in terrorism. Needless to say, there was no similar criticism of the United States following the killing of Bin Laden, or even after the killings

of the rest of the officials of al-Qaeda, who were also perceived as a threat to the security and stability of the international community. Furthermore, the clear threat made by American officials that Ayman Zawahiri, whose official selection as Bin Laden's successor was announced publicly by the organization on June 16, is a target for assassination, makes it clear that the United States and its allies do not intend to stop this policy.

The coordinated activity among many of the world's security services, including from rival states that collaborate ad hoc, demonstrates that in spite of moral dilemmas and legal restrictions, the selective and precise use of targeted killings is deemed an effective and essential option, and therefore cannot be relinquished as one of the tools in democratic states' arsenals. Nevertheless, it is clear that decision makers and public opinion in democratic countries must understand that the problem of worldwide terrorism cannot be solved by means of one operational tool, no matter how effective, because of the possible – albeit unintentional – collateral damage. Therefore, adoption of the tool of targeted killings always requires prudent and cautious implementation, subject to ongoing scrutiny and review by the attacking state. This scrutiny must consider the level of concrete threat from the objects of the targeted killings and the circumstances in which they are acting, with serious consideration given to the long and short term ramifications on the overall policy of the fight against terror.

