
From Gaza to Pakistan: Targeted Killings and International Law

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On the one hand, there is Israel's targeted killing (TK) policy which has been conducted in almost full compliance with Human Rights Watch's stated test, executed with remarkable transparency, and has achieved unprecedented levels of intelligence accuracy, with less than one civilian fatality average per TK. In over 95 percent of Israeli TKs neither the identity of the targeted militant nor his involvement in hostilities was subject to dispute.

On the other hand, there is a Western TK policy which in many cases did not comply with HRW's stated test and is conducted behind a cloak of systemic and deliberate opacity, with virtually no public scrutiny. Due to faulty or compromised intelligence, this policy resulted in a large number of TKs where the target was not in fact at the targeted location, and with a ratio of more than ten civilian fatalities per TK.

INTRODUCTION

Nils Melzer, Legal Advisor for the International Committee of the Red Cross (ICRC), defines targeted killing (TK) as “the use of lethal force attributable to a subject of international law with the intent, premeditation, and deliberation to kill individually selected persons who are not in the physical custody of those targeting them.”¹

A recent much-reported example of a TK is that of Pakistan's Taliban chief, Baitullah Mehsud, in August 2009. The U.S. government believes that Mehsud was killed following a TK directed against the home of Mehsud's father-in-law in South Waziristan, Pakistan, where Mehsud sought refuge.² Some reports suggested that fourteen people were killed in the TK. According to local officials, of the fourteen, approximately ten were Taliban militants. (The Taliban dispute

this figure, and claim that only eight of the fourteen were Taliban militants, while the rest were civilians).³ According to other media reports, only two people were killed in the TK, including Mehsud's second wife.⁴

While the reports on the TK of Mehsud (euphemistically referred to in the international press as a "strike")⁵ appear rather neutral in nature, and while Melzer asserts that the concept and term "targeted killing" have been adopted by a large part of the legal fraternity, the media and international organizations,⁶ TKs remain controversial.

Since the year 2000, TKs have become a common tactic. Indeed, targeted killings have been employed for centuries, but the terrorist attacks of September 11, 2001, underscored the new challenges of asymmetric warfare and counterinsurgency. Conflict between states is no longer the only mode of armed conflict; today countries must defend their citizens against non-state terrorist organizations which target innocent civilians around the world while hiding amid their own native populations. Israel and other Western countries must deal with the reality of defending their respective populations against groups such as Hamas and al-Qaeda. Harold Koh, Legal Adviser to the Obama administration, explained the necessity of a TK policy in combating terrorist threats:

In this ongoing armed conflict, the United States has the authority under international law, and the responsibility to its citizens, to use force, including lethal force, to defend itself, including by targeting persons such as high-level al-Qaeda leaders who are planning attacks...this is a conflict with an organized terrorist enemy that does not have conventional forces, but that plans and executes its attacks against us and our allies while hiding among civilian populations. That behavior simultaneously makes the application of international law more difficult and more critical for the protection of innocent civilians.

Koh's remarks highlight the essential place of a TK policy as a defense against the continued threats of terrorist attacks against ordinary citizens, while also emphasizing the necessity to enact such a policy in accordance with international law. This study evaluates the TK policies of Israel and Western armies (U.S. Armed Forces, the Armed Forces of the UK, the Netherlands, Canada and Australia) who seek to defend their respective populations while maintaining a commitment to international laws concerning armed conflict.⁷ Questions of media bias and ill-informed political criticisms of TK are beyond this study's scope.

Compared to conventional military operations, TKs aim to reduce human suffering by introducing greater discrimination in targeting so as to minimize collateral damage.⁸ Given this moral incentive, TKs portend to become a predominant military tactic employed in the course of future asymmetric warfare.⁹ Indeed,

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according to former U.S. Secretary of Defense Robert Gates it may even be the case that unmanned aerial vehicles (UAVs), which are often used in TKs, will replace manned fighter aircraft.¹⁰ Explaining this new reality on the battlefield, Lt. Gen. David Deptula, U.S. Air Force, has stated that “the future of how you use these unmanned systems or remotely piloted systems is really unlimited...we need to open our minds and think more about capability and impact we are going to achieve as opposed to how we’ve done business in the past.”¹¹ Even some academics appear to agree. Peter Singer, advisor to President Obama’s 2008 presidential campaign and author of the book *Wired for War*, says that remote warfare is changing mankind’s monopoly on how conflict is fought for the first time in 5,000 years.¹²

In practical terms, UAVs have become so indispensable in Iraq and Afghanistan that missions are cancelled if they are not available.¹³ Given this reality, an examination of the justifiability of TKs takes on critical importance.

The varied uses of TK in diverse theatres of conflict share a common denominator: each constitutes part and parcel of a single general struggle against modern-day terror. This struggle and possible modes of overcoming it have not yet been crystallized into clear-cut norms of international law and practice. Yet the central components of TKs are identical in all situations, and thus merit uniform evaluation according to a single, consistent criterion. Thus there ought to be no difference in evaluating the manner in which Western powers have used TK in such places as Iraq, Afghanistan, Pakistan or Yemen, on the one hand, and the TKs used by Israel against Hamas or Hizbullah, on the other. Any attempt to claim a distinction amounts to establishing an artificial double standard.

Indeed, the expanding usage of TKs—with the U.S. now relying on TKs in the fight against Afghani drug lords,¹⁴ and employing private companies, such as Blackwater, to target senior Al Qaeda operatives¹⁵—demonstrates the pressing need for a discussion of this type.

In response to this need, and as part of a comprehensive review of ethics in asymmetric warfare, this study discusses the use of TKs by asking whether, on a case by case basis, this usage was justified. In so doing, this eighteen-month study focuses on the Israel Defense Forces (IDF) and several Western armies that have implemented TK policies since November 2000, and on reports about those policies published by Human Rights Watch (HRW) and Amnesty International (AI).¹⁶

The study directly addressed the work of HRW. In order to assess the work of HRW in this field, the author compared the reports and statements released by HRW regarding IDF TKs and Western TKs with facts presented by other human rights groups, government agencies, and media reports. Such an examination indicates a series of significant and systemic flaws—factual, legal, and methodological—in HRW’s statements and reports pertaining to the usage of TKs.

First, certain material factual claims of HRW appear to be groundless. For example, in its *World Report 2004*,¹⁷ HRW asserted that at some point the IDF ceased to release statements regarding the identity of targeted individuals, and that when the IDF did release statements, they were “practically meaningless.”¹⁸ In fact, this monograph has failed to identify a single TK from fall 2000 to December 2003¹⁹ with respect to which the IDF did not release a statement containing, at the very least, essential information as to the targeted individual’s identity.²⁰ Similar findings were reached with respect to the years following 2003, and until May 2008.²¹

In addition, there are sometimes discrepancies between the verifiable facts and those presented by HRW. For example, HRW’s *World Report 2004* claimed that the IDF has consistently failed to demonstrate that targeted individuals were active members of the opposing armed force or active participants in the violence.²² In almost all of the 88 TKs which occurred during the relevant period, however,²³ the IDF took pains to release detailed information both regarding the targeted individual’s active membership in the opposing armed force and their active participation in violence.²⁴ Once again, the same is true of the period from 2003 to May 2008.²⁵ In fact, in response to Israeli TKs from December 2000 and onwards, Palestinian armed groups routinely confirmed the target’s involvement in armed attacks.²⁶

Second, some of HRW’s legal claims appear to be groundless. For instance, HRW strongly implied that dropping a one-ton bomb in a residential area during a TK is *per se* illegal.²⁷ But this novel “prohibition” is without legal foundation. Indeed, as with any other weapon, the legality of the usage of a one-ton bomb will depend on several parameters, as discussed in the full report.²⁸ During a Western TK carried out on March 20, 2003, against a farm in Al-Dura in Baghdad, four 2000-pound penetrator bombs were deployed. Yet while HRW noted the incident in a report entitled *Off Target*, it expressed no criticism of the choice of weaponry.²⁹

Third, there is a pattern of inconsistency in the application of HRW’s terminology. Its use of international legal and human rights terminology to single out and condemn Israel has often been a point of contention leveled against HRW by NGO Monitor.³⁰ For example, in a 2006 report that examined HRW’s work in 2004, NGO Monitor compared the language used by HRW in its reports on Israel and the language used in reports on other Middle Eastern countries.³¹ The figures were startling: NGO Monitor found 38 instances in which HRW alleged violations of IHL or human rights law with respect to Israel; in comparison to the far fewer instances of terror acts in which such allegations were made with respect to the Palestinian Authority (PA), 2; Egypt, 4; Syria, 3; and Morocco, 1.³² Similarly, Israel was charged with grave and/or serious human rights violations and/or abuses 32 times compared with Egypt’s 22, and all other countries examined fewer than 10.³³ On the basis of these and other figures, NGO Monitor concluded that, “HRW’s use of language to condemn Israel is highly politicized, especially when

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compared to reports on other countries in the Middle East.³⁴ A similar NGO Monitor report from January 2009 demonstrated little, if any, improvement in the language employed by HRW in its statements on Israel.³⁵ With respect to IDF TKs, moreover, terms such as “assassination” and “liquidation” pepper HRW reports, while no such disparaging terms are applied to Western TKs.³⁶ Such significant and systemic irregularities raise fundamental questions regarding HRW’s methodology and political orientation.

The study also addressed Amnesty International’s treatment of TKs and revealed systemic and significant flaws.

Firstly, AI’s work is replete with legal and factual inaccuracies, which appear to stem from both serious methodological problems and a utopian view of warfare. For example, AI has consistently rejected the legal stance adopted by Israel justifying the use of Israeli TKs—namely that Israel finds itself in a non-international armed conflict between a state and non-state parties, much like the conflict in Afghanistan between the U.S. and al-Qaeda. Inexplicably, AI rejects this legal position. This despite the fact that the position is supported by the application of ICRC guidelines which help distinguish hostilities that do not constitute an armed conflict from those that do. Additionally, that Israel is engaged in an armed conflict is accepted by both the general legal fraternity, and a large number of other international NGOs, including even HRW.³⁷ Furthermore, AI itself has documented Palestinian armed attacks against Israel and Israeli citizens over the course of decades.³⁸

AI fares no better in the factual arena. For example, the organization has persistently questioned, both implicitly and explicitly, Israel’s choice of targeted individuals. AI questions the involvement of the targeted individual in the armed conflict, often describing them as “those *alleged* to have carried out, or to have planned to carry out, violent attacks against Israel”³⁹ (emphasis added) and sometimes going so far as labeling them as mere “political opponents.”⁴⁰ To make matters worse, AI also suggests that Israel has no basis of proof on which to target these individuals and fails to provide proof of guilt in the aftermath of any Israeli TK.⁴¹

However, in over 95 percent of Israeli TKs neither the identity of the targeted militant nor his involvement in hostilities was subject to dispute.⁴² In fact, disputes arose with respect to less than two percent of Israeli TKs.⁴³ Moreover, in the rare instance where a dispute arose it concerned the exact armed role of the individual targeted, rather than their membership in an armed group, or involvement in hostilities.⁴⁴

Similarly, following virtually every Israeli TK, either the Israeli army or government released detailed statements as to the membership of the targeted individual in an armed Palestinian group, or the targeted individual’s involvement in hostilities. More often than not, the statements released included lists enumerating the specific terror attacks in which the targeted individual had been involved.⁴⁵

In addition to these factual and legal concerns, AI's work reveals marked discrepancies between its treatment of Western TKs and its analysis of Israeli TKs. Not only does AI release a disproportionate number of critical reports regarding the Israeli TK policy, but it appears to apply different standards, severely criticizing Israel while at the same time excusing the same or similar Western behavior. These double standards even extend to the terminology used: AI reports on Israel almost always refer to Israeli TKs as "state assassinations"⁴⁶ and "liquidations,"⁴⁷ while even reports which are critical of the Western TK policy employ far more neutral terminology, describing Western TKs as "air raids"⁴⁸ or "missile strikes."⁴⁹

These results, as with HRW, raise significant concern regarding AI's methodology and the accuracy and reliability of its reports.

CONCLUSIONS

On the one hand, there is Israel's TK policy which has been conducted in almost full compliance with HRW's stated test, executed with remarkable transparency, and put under intense local and international public scrutiny (including judicial review). Most remarkably, the policy has achieved unprecedented levels of intelligence accuracy. This TK policy was implemented with precision targeting and virtually no mistakes as regards the location of the terrorist and with less than one civilian fatality average per TK.⁵⁰ Yet this has not prevented Kennet Roth, HRW, and AI from implicitly and explicitly denouncing Israeli TK policy as unlawful.

On the other hand, there is a Western TK policy which in many cases did not comply with HRW's stated test. This second TK policy was conducted behind the cloak of systemic and deliberate opacity, with virtually no public scrutiny. Due to faulty or compromised intelligence, this policy resulted in many incidents which ought to have raised red flags regarding the core principles of distinction and proportionality. These shortcomings resulted in a large number of TKs where the target was not in fact at the targeted location, and a ratio of more than ten civilian fatalities per TK.⁵¹

This Western TK policy was not subjected to any legal criticism by Roth or HRW, which issued no statements raising concern regarding the hundreds of civilian casualties. Moreover, HRW's Senior Military Analyst Marc Garlasco repeatedly praised the U.S. Army's efforts to minimize civilian casualties. For example, Garlasco has stated, "I don't think people really appreciate the gymnastics that the U.S. military goes through in order to make sure that they're not killing civilians."⁵² In a report examining the conduct of U.S. forces during Operation Iraqi Freedom entitled *Off Target*, HRW stated that, "U.S.-led Coalition forces

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took precautions to spare civilians and, for the most part, made efforts to uphold their legal obligations.”⁵³ Given the many failings that *Off Target* itself identified in the American TK policy, it is unclear how HRW reached this conclusion.

AI fares somewhat better in this regard than HRW, in that it did release some reports critical of the Western TK policy. Yet neither the character nor the frequency of critique was in any way comparable to that leveled by AI against the Israeli TK policy. Despite AI’s and HRW’s harsh criticisms of Israel’s TK policy, British Col. Richard Kemp, former commander of British forces in Afghanistan, said that the IDF in Gaza “did more to safeguard the rights of civilians in a combat zone than any other army in the history of warfare.”⁵⁴ Among those civilians were persons whose lives were saved due to the IDF’s restraint in using TKs.

It is difficult, then, to contemplate a stronger case for a thorough and independent revision of both HRW’s and AI’s methodologies, to be followed by a public retraction of relevant statements and reports by Roth, HRW and AI. Moreover, given Marc Garlasco’s central responsibility for TKs that resulted in hundreds of civilian deaths during the Operation Iraqi Freedom, a drastic revision in HRW’s hiring and promotion policies is urgently called for.

On October 26, 2009, the Jerusalem Center for Public Affairs submitted a letter to HRW, addressed to Roth, detailing the findings of this study, and requesting a response to these findings from HRW. On October 26, 2009, a similar letter was submitted to Dr. Irene Kahn, Secretary General of AI. As of March 2012, neither had replied.

Unfortunately, HRW and AI’s longstanding preoccupation with perceived Israel “wrongdoing” has resulted in another highly biased rendition, this time of a key issue with which armies, governments and human rights NGOs will likely have to contend in years to come.

NOTES

* An expanded version of this study appeared as the monograph *Targeted Killings and Double Standards* (Jerusalem: Jerusalem Center for Public Affairs, 2012). The monograph and several appendices summarizing the extensive research and findings are available on the website of the Jerusalem Center for Public Affairs, www.jcpa.org.

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1. Nils Melzer, *Targeted Killing in International Law* 468 (Vaughan Lowe. ed. Oxford Monographs in International Law, Oxford University Press) (2008).
2. Gen. Jim Jones, President Obama's National Security Adviser, stated that the U.S. believes that Mehsud was in fact killed in the TK—"we put it in the 90 percent [likelihood] category." *Official: Likelihood of Pakistani Taliban Leader's Death '90 percent,'* CNN International.com, available at <http://edition.cnn.com/2009/WORLD/asiapcf/08/09/us.pakistan.taliban/index.html>, last accesses on July 18, 2009.
3. Janullah Hashimzada, *14 Dead in Pakistan in Suspected Drone Strike*, CNN International.com, available at <http://edition.cnn.com/2009/WORLD/asiapcf/08/12/pakistan.drone.attack/index.html#cnnSTCText>, last accessed on July 18, 2009.
4. *Pakistan Taliban Leader's Wife Dies in Suspected Drone Attack*, CNN International.com, available at <http://edition.cnn.com/2009/WORLD/asiapcf/08/05/pakistan/drone/attack/index.html>, last accessed on July 18, 2009.
5. Janullah Hashimzada, *14 Dead in Pakistan in Suspected Drone Strike*, CNN International.com, available at <http://edition.cnn.com/2009/WORLD/asiapcf/08/12/pakistan.drone.attack/index.html#cnnSTCText>, last accessed on July 18, 2009.
6. Nils Melzer, *Targeted Killing in International Law* 468 (Vaughan Lowe. ed. Oxford Monographs in International Law, Oxford University Press) (2008).
7. Harold Hongju Koh, Legal Adviser, U.S. Department of State, Address in Washington D.C. to the Annual Meeting of the American Society of International Law: The Obama Administration and International Law (Mar. 25, 2010).
8. Kenneth Anderson, *Targeted Killing in US Counterterrorism Strategy and Law*, 8 (May 11, 2009) (The Brookings Institution and the Hoover Institution, unpublished working paper) available at <http://ssrn.com/abstract=1415070>
9. Robert Tomes, *Relearning Counterinsurgency Warfare*, Parameters (US Army War College), (Spring 2004). available at: http://www.army.mil/prof_writing/volumes/volume2/march_2004/3_04_1.html.
10. Former U.S. Secretary of Defense Robert Gates has said that the next generation of fighter planes—the F-35—will be the last manned aircraft; Nic Robertson, *How Robot Drones Revolutionized the Face of Warfare*, CNN International.com, available at <http://edition.cnn.com/2009/WORLD/americas/07/23/wus.warfare.remote.uav/index.html>, last accessed on July 18, 2009.
11. Nic Robertson, *How Robot Drones Revolutionized the Face of Warfare*, CNN International.com, available at <http://edition.cnn.com/2009/WORLD/americas/07/23/wus.warfare.remote.uav/index.html>, last accessed on July 18, 2009.
12. Ibid.
13. Ibid.
14. The U.S. has recently expanded its list of individuals who may be targeted so as to include drug traffickers with ties to the Taliban. This was reported in the New York Times. James Risen, *U.S. to Hunt Down Afghan Drug Lords Tied to Taliban*, The New York Times, Aug. 10, 2009.
15. Mark Mazzetti, *C.I.A Sought Blackwater's Help to Kill Jihadists*, New York Times, Aug. 20, 2009.
16. The exhaustive appendices are available on the website of www.jcpa.org.

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17. The Human Rights Watch *World Report 2004* officially examines the IDF TK policy for the year 2003; but contains sweeping statements that encompass the IDF TK policy from November 2000 until December 2003; Kenneth Roth, *Drawing the Line: War Rules and Law Enforcement Rules in the Fight Against Terror* in, Human Rights Watch *World Report 2004* (2004) available at http://www.hrw.org/legacy/wr2k4/9.htm#_Toc58744958. During this time, there were 88 IDF TKs according to a list produced by B'tselem, The Israeli Information Center for Human Rights in the Occupied Territories; which is available on B'tselem's website, http://www.btselem.org/English/Statistics/Casualties_Data.asp?Category=19®ion=TER. This Article focuses primarily on these 88 IDF TKs that occurred between November 2000 and December 2003. However, it also analyses IDF TKs that occurred subsequently.
18. Kenneth Roth, *Drawing the Line: War Rules and Law Enforcement Rules in the Fight Against Terror* in, Human Rights Watch *World Report 2004* (2004) available at http://www.hrw.org/legacy/wr2k4/9.htm#_Toc58744958
19. This is the period from when IDF TKs began, until the time at which the *HRW World Report 2004* was released.
20. Appendix A, Sec. I.
21. *Ibid.*
22. Kenneth Roth, *Drawing the Line: War Rules and Law Enforcement Rules in the Fight Against Terror* in, Human Rights Watch *World Report 2004* (2004) available at http://www.hrw.org/legacy/wr2k4/9.htm#_Toc58744958
23. From November 2000 until December 2003.
24. Appendix A, Sec. I.
25. *Ibid.*
26. *Ibid.*
27. Human Rights Watch, *Human Rights Watch World Report 2003—Israel, the Occupied West Bank and Gaza Strip, and Palestinian Authority Territories*, January 14, 2003, available at: </refworld/docid/3e2818338.html> [accessed 2 July 2009]
28. See Yoram Dinstein, *The Conduct of Hostilities Under the Law of International Armed Conflict*, 55–61(2004).
29. HRW, *Iraq: Off Target: The Conduct of the War and Civilian Casualties in Iraq*, Dec. 11, 2003, available at <http://www.hrw.org/en/reports/2003/12/11/target>
30. NGO Monitor is an NGO whose stated aims and objectives are “to generate and distribute critical analysis and reports on the output of the international NGO community for the benefit of government policy makers, journalists, philanthropic organizations and the general public” and “to end the practice used by certain self-declared ‘humanitarian NGOs’ of exploiting the label ‘universal human rights values’ to promote politically and ideologically motivated anti-Israel agendas;” <http://www.ngo-monitor.org/articles.php?type=about>
31. NGO Monitor, *Human Rights Watch in 2005: Political Bias Against Israel Continues Despite Wider Middle East Focus* 4, April 6, 2006
32. *Ibid.*
33. *Ibid.*
34. *Ibid.*
35. NGO Monitor, *Examining Human Rights Watch in 2008: Double Standards and Post-Colonial Ideology* 2–3, January 13, 2009.

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36. The difference in terminology is evident even in *HRW's World Report 2004*. Kenneth Roth, *Drawing the Line: War Rules and Law Enforcement Rules in the Fight Against Terror* in, Human Rights Watch World Report 2004 (2004) available at http://www.hrw.org/legacy/wr2k4/9.htm#_Toc58744958
37. Kenneth Roth, *Drawing the Line: War Rules and Law Enforcement Rules in the Fight Against Terror* in, Human Rights Watch World Report 2004 (2004) available at http://www.hrw.org/legacy/wr2k4/9.htm#_Toc58744958
38. In every annual report released by AI for Israel and the Occupied Territories, a section is dedicated to Palestinian armed groups' attacks against Israeli civilians and soldiers both within Israel and the Occupied Territories.
39. Amnesty International, *Israel and the Occupied Territories: State Assassinations and Other Unlawful Killings*, Feb. 2001, AI Index MDE 15/005/2001, available at <http://www.amnesty.org/en/library/asset/MDE15/005/2001/en/818d1e6d-dc4b-11dd-a4f4-6f07e-d3e68c6/mdel150052001en.pdf>
40. Ibid.
41. Ibid; Amnesty International, *Israel and the Occupied Territories: Israel Must End its Policy of Assassinations*, July 2003, AI Index MDE 15/056/2003 (Public), <http://www.amnesty.org/en/library/asset/MDE15/056/2003/en/0f527cb4-d6bd-11dd-ab95-a13b602c0642/mdel150562003en.pdf>; and Amnesty International, Open Letter to President George W. Bush, April 29, 2004, AI Index: MDE 15/048/2004 (Public), available at <http://www.amnesty.org/en/libraru/asset/MDE15/048/2004/en/4354587-fab5-11dd-b6c4-73b1aa157d32/mdel150482004en.pdf>
42. Appendix A.
43. Ibid.
44. Appendix A, Sec. II.
45. Ibid.
46. Amnesty International, *Israel and the Occupied Territories: State Assassinations and Other Unlawful Killings*, Feb. 2001, AI Index MDE 15/005/2001, available at <http://www.amnesty.org/en/library/asset/MDE15/005/2001/en/818d1e6d-dc4b-11dd-a4f4-6f07e-d3e68c6/mdel150052001en.pdf>; Amnesty International, *Amnesty International's Annual Report for Israel/Occupied Territories, 2002*, available at <http://www.amnesty.org/en/library/asset/MDE15/001/2003/en/dom-MDE150012003en.html>; Amnesty International, *Israel and the Occupied Territories: Israel Must End its Policy of Assassinations*, July 2003, AI Index MDE 15/056/2003 (Public), <http://www.amnesty.org/en/library/asset/MDE15/056/2003/en/0f527cb4-d6bd-11dd-ab95-a13b602c0642/mdel150562003en.pdf>; Amnesty International, *Amnesty International's Annual Report for Israel, 2003* available at <http://www.unhcr.org/refworld/category,COI,AMNESTY,ANNUALREPORT,ISR,3edb47d88,0.html>; Amnesty International Press Release, *Israel/Occupied Territories: Amnesty International Strongly Condemns the Assassination of Sheik Yassin*, March 2004, AI Index MDE 15/029/2004 (Public), available at <http://www.amnesty.org/en/library/asset/MDE15/029/2004/en/236729d4-fab9-11dd-b6c4-73b1aa157d32/mdel150292004en.pdf>; Amnesty International, Open Letter to President George W. Bush, April 29, 2004, AI Index: MDE 15/048/2004 (Public), available at <http://www.amnesty.org/en/libraru/asset/MDE15/048/2004/en/4354587-fab5-11dd-b6c4-73b1aa157d32/mdel150482004en.pdf>; Amnesty International, *Israel and the Oc-*

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47. Amnesty International, *Israel and the Occupied Territories: State Assassinations and Other Unlawful Killings*, Feb. 2001, AI Index MDE 15/005/2001, available at <http://www.amnesty.org/en/library/asset/MDE15/005/2001/en/818dle6d-dc4b-11dd-a4f4-6f07e-d3e68c6/mdel150052001en.pdf>
 48. Amnesty International, *State of the World, Annual Report 2008 Iraq*, available at <http://archive.amnesty.org/air2008/eng/regions/middle-east-and-north-africa/iraq.html>
 49. For example, Amnesty International, *Iraq: Civilians Under Fire*, April 2003, AI Index MDE 14/071/2003, available at <http://www.amnesty.org/en/library/asset/MDE14/071/2003/en/a344b7fb-d709-11dd-b0cc-1f0860013475/mde140712003en.html>
 50. Appendix A.
 51. *Bombing Afghanistan* (CBS Sixty Minutes broadcast August 31, 2008), available at http://www.cbsnews.com/stories/2007/10/25/60minutes/main3411230_page3.shtml?tag=contentMain;contentBody; Human Rights Watch, *Off Target*, Dec. 11, 2003 available at <http://www.hrw.org/en/reports/2003/12/11/target>, last accessed on August 23, 2009.
 52. *Bombing Afghanistan*.
 53. Human Rights Watch, *Off Target*, Dec. 11, 2003 available at <http://www.hrw.org/en/reports/2003/12/11/target>, last accessed on August 23, 2009.
 54. Robert L. Bernstein, *Rights Watchdog, Lost in the Mideast*, New York Times, Oct. 20, 2009, at A31. Available at <http://www.nytimes.com/2009/10/20/opinion/20bernstein.html?scp=1&sq=robert%20.%20bernstein&st=cse>