

Drone Warfare under International Law: Accountability and Civilian Protection

الحرب بالطائرات المسييرة في ظل القانون الدولي: المسؤولية وحماية المدنيين

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Abstract:

This research examines the legality of armed drone warfare under international law, with particular emphasis on civilian protection and accountability. It analyses the use of drones within the frameworks of jus ad bellum, International Humanitarian Law (IHL), and International Human Rights Law (IHRL), focusing on the protection of the right to life and the regulation of targeted killings. Employing a doctrinal legal methodology, the study relies on an analytical examination of international treaties, customary international law, judicial decisions, and scholarly literature to assess whether existing legal norms adequately regulate drone operations. The research finds that armed drones are not prohibited weapons per se under international law; however, their legality is strictly conditional upon compliance with fundamental principles of distinction, proportionality, necessity, and precaution. While drone technology may enhance precision in theory, state practice reveals persistent risks of civilian harm, particularly in extraterritorial and counterterrorism operations conducted outside active hostilities. The study further concludes that IHRL continues to apply alongside IHL, rendering many drone strikes unlawful as arbitrary deprivations of life or extrajudicial executions where arrest is feasible and no imminent threat exists. Finally, the research identifies significant deficiencies in transparency, investigation, and accountability mechanisms, highlighting a persistent gap between established legal standards and operational practice. The study underscores the need for strengthened regulation and accountability to ensure effective civilian protection in drone warfare.

Keywords: Use of force; jus ad bellum; right to life; civilian protection; targeted killings; accountability; state responsibility.



المخلص:

يهدف هذا البحث إلى تناول مشروعية استخدام الطائرات المسيّرة المسلحة في إطار القانون الدولي، مع تركيز خاص على حماية المدنيين وآليات المساءلة. ويحلّ البحث استخدام هذه الطائرات في ضوء قواعد قانون اللجوء إلى القوة (jus ad bellum)، والقانون الدولي الإنساني، والقانون الدولي لحقوق الإنسان، مع إيلاء اهتمام خاص بحماية الحق في الحياة وتنظيم عمليات القتل المستهدف. واعتمدت الدراسة منهجية قانونية تحليلية تقوم على الفحص المنهجي للمعاهدات الدولية، وقواعد القانون الدولي العرفي، والأحكام القضائية، والدراسات الفقهية، بهدف تقييم مدى كفاية القواعد القانونية القائمة في تنظيم عمليات الطائرات المسيّرة. تلخص الدراسة إلى أن الطائرات المسيّرة المسلحة لا تُعدّ، في حد ذاتها، أسلحة محظورة بموجب القانون الدولي؛ غير أن مشروعيّتها تظل مشروطة على نحو صارم بالالتزام بالمبادئ الأساسية المتمثلة في التمييز، والتناسب، والضرورة العسكرية، واتخاذ الاحتياطات اللازمة. وعلى الرغم من أن تكنولوجيا الطائرات المسيّرة قد تعزّز الدقة نظرياً، فإن الممارسة العملية للدول تكشف عن مخاطر مستمرة تلحق بالمدنيين، ولا سيما في العمليات العابرة للحدود وعمليات مكافحة الإرهاب التي تُنفّذ خارج سياق الأعمال العدائية النشطة. كما يخلص البحث إلى أن القانون الدولي لحقوق الإنسان يظل واجب التطبيق بالتوازي مع القانون الدولي الإنساني، الأمر الذي يجعل العديد من الضربات بالطائرات المسيّرة غير مشروعة بوصفها حرماناً تعسفياً من الحياة أو إعدامات خارج نطاق القضاء، ولا سيما في الحالات التي يكون فيها القبض ممكناً ولا يوجد تهديد وشيك. وأخيراً، ترصد الدراسة أوجه قصور جوهرية في مجالات الشفافية، والتحقيق، وآليات المساءلة، بما يبرز فجوة مستمرة بين المعايير القانونية المقررة والممارسة العملية الفعلية. وتؤكد الدراسة، في الختام، الحاجة الملحة إلى تعزيز الأطر التنظيمية وآليات المساءلة لضمان حماية فعّالة للمدنيين في سياق الحروب بالطائرات المسيّرة.

الكلمات المفتاحية: استخدام القوة؛ قانون اللجوء إلى القوة (jus ad bellum)؛ الحق في الحياة؛

حماية المدنيين؛ القتل المستهدف؛ المساءلة؛ مسؤولية الدولة.

1. Introduction:

One of the most significant and debatable technological advances in modern warfare is armed drones, also known as remotely piloted aircraft or unmanned aerial vehicles (UAVs). Their application in military activities and counterterrorism actions has grown tremendously in the global arena in the last ten years, and especially in the last twenty years. Many more states have been seeking drone technology because it is relatively cheap in comparison to traditional manned aircraft, has a long range of endurance and flight time, and can perform persistent surveillance and precision targeting in a timely fashion. These are the operational benefits that have rendered drones an appealing tool to the contemporary military strategy. Meanwhile, though, their large-scale use has

created some grave humanitarian, ethical, and legal issues about the validity of their application and their consistency with international law.

The warfare experienced a dramatic change that started at the beginning of the twenty-first century and was characterized by the growing significance of distance, automation, and technological excellence. The remotely piloted aircraft, or so-called drones, have become a symbol of this change and have gained widespread popularity, and are now a common element of military arsenals all over the world.¹ The remote control of drones allows lighter, smaller, and cheaper designs compared to traditional combat aircraft, and also enables operations in areas considered too dangerous to fly an aircraft piloted by a human. Originally designed to perform intelligence, surveillance, and reconnaissance missions, drones have gradually turned into platforms that can be used to provide lethal force. With laser-guided munitions, these systems are often described as allowing very precise attacks, as well as protecting the military personnel against direct exposure to the dangers on the battlefield..²

The growing use of drones is directly connected to the overall technological progress that has been observed over the past few years. States, especially technologically advanced ones, have tried to use these innovations to increase their military and security potential and improve their deterrent power. One of the forms of this technological advancement is drones, which have been extensively purchased by the military as well as in commercial, medical, and geographic reconnaissance.³ This dual-use aspect highlights the aspect that drones are not necessarily instruments of violence. However, their aggressive application in military conflicts has eclipsed their possible roles in development, human security, and peaceful state-building programs.⁴

In modern warfare settings, drones have emerged as a secretive yet conclusive means of espionage, combat, and logistics. They are also of vital importance to geopolitical rivalry, whereby the mighty states are able to exert force and achieve strategic goals without having to engage in a large-scale military conflict. This has transformed global politics and changed the conventional understanding of warfare as regional hegemony has become more dependent on remote technologies and less on conventional troop placements.⁵ Consequently, drones have become a weapon of considerable strategic importance, which can shape the behavior of hostilities and the international security structure in general.

Legally, the use of drones in war is one of the most debatable questions of IHL. In addition to changing the balance of power in military conflicts, drones



cast doubt on conventional conceptions of the structure of force, the presence of forces on the battlefield, and the nature of conflicts, often reducing the importance of the size and physical presence of military forces.⁶ Drones have sparked a legal controversy since they were introduced. Whereas in some cases, scholars and states believe that they are legal weapons just like bombs, missiles, and other instruments of delivering force in the battlefield, some argue that their use, particularly in targeted killings, presents a natural risk of contravention of the cardinal principles of IHL, of distinction, proportionality, and precaution.⁷

This debate has been compounded by the rapid increase in the number of drone technologies. A vast difference between the technological capacity of different states, the growing use of drones by state armies, and the purchase of armed drones by non-state armed forces pose critical questions on the legitimacy of their application and the effectiveness of the available legal frameworks to deal with them.⁸ These are the issues that are not just restricted to the current technologies. States are still working on new ways of using lethal force, such as autonomous weapon systems and the development of robotics, nanotechnology, and biotechnology, which present complicated issues that the international community has to grapple with as one.⁹

Armed drones have now moved from speculative future technologies into widespread operational reality. Their appeal lies primarily in the strategic advantage they offer: the ability to deploy lethal force against distant targets without exposing one's own military personnel to direct risk.¹⁰ The worldwide availability of drones is growing as they are becoming smaller, more sophisticated, cheaper, and more convenient to use. Consequently, more and more states will tend to use armed drones beyond their borders, not only in the traditional battlefields, but also in the regions that are not directly related to ongoing hostilities, and even in the domestic law-enforcement context, including border control and anti-organized crime missions. Meanwhile, non-state actors are also starting to gain such capabilities.¹¹

The increasing use of drones has facilitated cross-border targeted killings, which have raised serious concerns over the infringement of state sovereignty and the undermining of the international legal order. Their growing availability can also stimulate the states to develop long-term, low-intensity applications of power without geographic or temporal constraints, which can weaken the idea of war as a special and transitional state.¹² This normalization of armed conflict has far-reaching consequences for the safeguarding of the right to life. When armed conflict is regarded as the default model of the use of force, the relatively lesser protection offered by the IHL can replace the stronger protection offered by the

IHRL, especially in cases that are way apart of the ongoing hostilities.

Aim and Objective of the Study

This study aims to discuss the legality of drone warfare in the framework of international law and rules governing the use of force, IHL, and IHRL, and evaluate whether armed drones adhere to the main principles, including civilian protection, distinction, proportionality, and precaution. It also considers the ability of the current legal frameworks to control the activities of drones and solve the issues of targeted killings and extraterritorial attacks.

The objective of this paper is to examine the humanitarian limitations and responsibility issues of armed drone use, with the argument that although drones are not necessarily illegal, their use creates major issues of civilian protection, transparency, and accountability.

Importance of the Study

This study is important because drone warfare is rapidly expanding, and it is increasingly being used in armed conflict and counterterrorism. Although drone strikes are common, they are characterized by legal ambiguity, lack of transparency, and accountability. The study is valuable as it helps to understand the legal limitations of the use of drones, the humanitarian consequences, and the necessity to make drone operations more accountable and protect civilians according to international law.

Problem of the Study

The main issue that is discussed in this paper is the conflict between the growing popularity of armed drones and the efficient implementation of international legal standards of the use of force and the safeguarding of human life. Although drones are not banned by international law, their application, especially in targeted killings and extraterritorial operations, poses a grave challenge to state sovereignty, arbitrary deprivation of life, and civilian casualties. This problem is further exacerbated by a lack of transparency, difficulties in ensuring adherence to international humanitarian and human rights law, and ineffective accountability measures, and civilian casualties, psychological effects, and possible war crimes remain largely unaddressed. This paper will discuss the question of whether the current legal frameworks are adequate to govern drone warfare and support the basic principles of international law.

Research Methodology

The research methodology utilized in this study is doctrinal legal research, where the primary and secondary legal sources are analyzed qualitatively. The main sources are international treaties and conventions, including the UN Charter, the Geneva Conventions and their Additional Protocols, ICC Rome



Statute, the International Covenant on Civil and Political Rights (ICCPR), and the jurisprudence of international and regional courts. The secondary sources include scholarly literature, reports of international organizations, and research of human rights organizations and law scholars. The paper uses critical legal analysis to review state practice, academic discussion, and official interpretations to determine the legality of drone warfare and the sufficiency of current legal frameworks, which is based on normative principles.

Structure of the Study

This research is divided into a number of key sections. It starts with an introduction where the background of the research, the objectives, and the significance are outlined. The first part of the analysis looks at the legal framework in which the use of force on foreign territory is governed, and the armed drone operations are put in the context of the rules of jus ad bellum and state sovereignty. It then evaluates drones in the context of IHL, the legal status of drones, and their adherence to the principle of distinction, proportionality, and precaution.

The paper also examines the use of the IHRL with a focus on the right to life, targeted killings, and how human rights and humanitarian law interact in armed conflict. It also looks at civilian casualty, transparency, and accountability, such as investigative duty, remedies, and accountability of drone operations by the state and non-state actors. The paper ends with a conclusion that summarizes the key findings and provides recommendations to enhance legal control, accountability, and protection of civilians in drone warfare.

2. Legal Framework Governing the Use of Force on Foreign Territory

Article 2(4) of the UN Charter, which is one of the main provisions of international law, forbids the threat or use of force against the territorial integrity or political independence of any State, with only a few exceptions. The valid consent of the territorial State is one such exception, and it excludes wrongfulness under Article 20 of the International Law Commission's Articles on State Responsibility, provided that the consent is freely given and lawful.¹³ The highest competent State authorities must give consent since lower-level or regional authorities do not have the authority to allow the use of force, and authority questions are different from attribution.¹⁴

The States can use self-defence under Article 51 of the UN Charter, which allows the use of force only in reaction to an armed attack (or imminent armed attack) of great gravity, and under the rigid conditions of necessity and proportionality.¹⁵ Self-defense can only be applied to prevent and repel an attack and should not be applied to justify retaliatory or punitive measures. In the post-

9/11 period, state practice and UN Security Council Resolutions 1368 and 1373 suggest that self-defense can be used in response to attacks by non-state actors acting on the territory of another state, particularly when the territorial state is unwilling or incapable of doing so, but this interpretation is still disputed by scholars.¹⁶ The UN Security Council must be notified of any self-defense and can only persist until the Council acts to restore and preserve international peace and security.

The other exception is where the UN Security Council sanctions the use of force in accordance with Chapter VII of the UN Charter (Articles 39 and 42) to respond to threats to, or violations of, international peace and security. This kind of authorization, which is granted by way of binding resolutions, gives collective legal legitimacy to military action, as in the case of interventions such as the 1991 Gulf War.¹⁷

Although these exceptions provide flexibility in Article 2(4), their use presents a lot of ambiguity. Consent is based on a clear and legal authority, which may be controversial in complicated states. The application of self-defense to preemptive attacks against non-state actors poses challenging issues on sovereignty and security. Reporting to the UN Security Council offers accountability, but this can only be effective based on the political will, and the authorizations of the Council are usually based on geopolitical concessions, and not necessarily legal arguments. On the whole, these exceptions demonstrate that law is no less important than politics and state practice in determining the use of force, and this tension between law and power in international relations.

3. The Possibility of Drones Complying with IHL

The remotely piloted drones have caused serious concerns because of the uncertainty about their capability to adhere to the rules and principles that IHL demands in armed conflicts. These issues are based on the fact that human beings are no longer on the battlefield and machines have taken their place. Computational and informational programming of a drone has become a possibility to perform long-range air missions with military goals or individuals in mind, and such missions may depend on biometric information about the targets. Even though the use of drones has not been covered by international treaties and conventions concerning IHL, the lack of such legislation does not mean that it should be used to breach IHL.¹⁸

3.1 The Use of Drones as a New Weapon in IHL

It is undeniable that when a new weapon is introduced, there is a controversy on whether it can be used or not. The recent years of increased



dependency on drones in military and intelligence aspects of military conflicts have created controversy on the legal provisions that should be applied to the use of this new weapon technology. The essence of the dispute is whether the contractual or customary rules of IHL can govern the use of this new combat tool, and whether the use of this new combat tool is in line with these legal provisions.

As a matter of fact, the rules of war as set out in IHL, which is a set of laws that govern armed conflicts, do not expressly forbid the use of drones, and they do not necessarily view them as indiscriminate or treacherous weapons. On the same note, drones are not considered sophisticated or criminal military equipment under Article 8 of the Rome Statute.¹⁹ Drones are also not specifically and explicitly mentioned in arms treaties or other instruments of IHL. However, legally regulating the use of drones does not imply leaving their deployment to the discretion of the warring parties. On the contrary, drone strikes are primarily governed by the four Geneva Conventions of 1949 and their 1977 Additional Protocols, which constitute the cornerstone of IHL, and are expressly designed to ensure the protection of civilians.²⁰ Besides this, the rules and principles of human ethics have general provisions that are imposed on any military operation, whether it is aerial, land, or naval. Also, there are known texts on land, air, or sea conflicts that border on the nature of drone strikes and can be applied to them.

The IHL also restrains the parties in armed conflicts in the use of their weapons, methods, and means of war. States should ensure that they do not break such rules when developing or purchasing new weapons. This means that the freedom of parties in an armed conflict to choose the means and methods of war engagement is not absolute, but has some provisions with different specifications. These rules prohibit the application of arms, means of fighting, and strategy as provided in the writings of humanitarian law. This is primarily what the agents are tasked with: the protection of the victims of international armed conflicts so as to achieve the ultimate objective of the IHL; the protection of the citizens against the threats they expose themselves to as a result of military actions. We cannot directly indicate that these rules are clearly outlined in Article Three of the Geneva Conventions, which outlaws inhuman acts in armed conflicts; we can, however, take it into consideration that the application of drones under some conditions and circumstances might fall under its jurisdiction.

Besides Article (36) of the First Additional Protocol that says: Every High Contracting Party is bound, when studying, developing, acquiring, or adopting a

new weapon, means, or method of warfare, to decide whether its use would, in one or more circumstances, be forbidden by this Protocol or by any other rule of international law applicable to that High Contracting Party.

The contents of this article might be construed as a binding of states to consider legally new ways and means of war. Article (36) provides that a review on whether a new weapon: Will be outlawed under a certain weapons convention; It will be an indiscriminate weapon; It will be of nature to cause unnecessary suffering or pain and suffering in a disproportionate manner or extensive and of its own nature to cause excessive damage to the natural environment must be made before a new weapon could be deemed as legal under IHL.

In this regard, a thorough legal examination is necessary in countries planning to deploy a new weapon. This is by ensuring that the application of this new weapon does not lead to indiscriminate consequences, does not cause unnecessary suffering, excessive injuries, or unwarranted pain. Notably, this review is also obligatory for the countries that are not the parties to the First Additional Protocol.

Thus, the application of drones as a novel weapon would be unlawful and would not be in line with IHL where they are armed with weapons of indiscriminate character or are used in an attack that inflicts unjustified suffering, excessive injury, or unnecessary harm. Although drones are not weapons that are forbidden by IHL, their use is conditional when it is limited to adherence to the main principles of distinction, proportionality, and humanity. States must, in accordance with the Geneva Conventions and Article 36 of Additional Protocol I, review and ensure that the application of such weapons does not lead to indiscriminate attacks, unnecessary suffering, or excessive harm to civilians or the natural environment.



3.2 Drones and the principles of combat operations

In principle, the use of unmanned aerial vehicles must comply with the rules governing the conduct of hostilities and the planning and execution of military operations under IHL. As a relatively new weapons system in international law, their use is therefore regulated by the fundamental principles of IHL, which are reflected in the following principles:

1- Principle of distinction:

The principle of distinction is one of the key principles of the Additional Protocols to the Geneva Conventions and is directly stated in Article 48 of Additional Protocol I (1977). This provision confirms that to safeguard the civilian population and civilian objects, the parties to an armed conflict must always distinguish between civilians and combatants, civilian and military objectives, and may only subject their military actions to legitimate military objectives.

Articles 51 and 52 of Additional Protocol I also support this principle. An integrated reading of these provisions shows that there are three fundamental obligations. First, the parties involved in the conflict must, in planning and executing attacks, distinguish between civilians and combatants, and also between civilian objects and military targets. Second, they should not initiate or target attacks that are specifically targeting civilian individuals or civilian property. Third, parties must take action to safeguard civilians and to prevent them from injury that comes as a result of military action.

It should be noted that the principle of distinction is a component of the customary IHL, based on the laws and customs of war and embodied in both treaty law and state practice. It has a binding force regardless of whether the armed conflict is international or non-international and whether the weapons, means, or methods of warfare, whether traditional or technologically advanced, are used.

Regarding the concept of drones and their ability to adhere to the principle of distinction, it is widely believed that they can make highly precise strikes, just like other weapons that have proven to be very effective in adhering to the principle of distinction in both international and non-international armed conflicts. Drones provide decision-makers and military commanders with more opportunities to acquire, process, and analyze information about the position and movements of civilians and combatants, and thus make more informed targeting choices.²¹

They are also capable of differentiating between military and civilian attire and of monitoring the targeting of combatants, including those who wear civilian clothing or conceal themselves among the civilian population. Through so-called

“pattern of life” analysis, drones can observe and assess individuals’ daily activities over time, thereby reducing the risk of mistakenly striking civilian persons or objects.

2- Principle of Proportionality

The principle of proportionality requires a careful balancing between the damage that is likely to be caused to the opponent and the direct military benefit that is likely to be gained when force is used in military operations. One of the fundamental principles of IHL is to protect civilians against the impact of hostilities and reduce unnecessary suffering.

This principle is explicitly reflected in Article 51(5)(b) and Article 57(3) of Additional Protocol I. Under the proportionality rule, IHL places many obligations on those involved in an armed conflict including: first, taking all possible precautions to prevent or limit civilian casualties and civilian damage; second, not launching an attack that is likely to result in civilian casualties or civilian damage that would be excessive in comparison with the anticipated military advantage; and third, cancelling or suspending an attack in which it becomes clear that the target is not a legitimate military target or that it enjoys special protection under IHL, such as civilian objects or cultural property.

Concerning aerial operations and compliance with the principle of proportionality, this assessment requires extensive information and careful evaluation of the foreseeable effects of an attack and the risks involved. In this respect, drones can have a very high potential to fulfill these demands, since they allow around-the-clock monitoring, intelligence collection, and real-time tracking of targets. Their capability to monitor the target area closely and properly examine its geographic and civilian landscape can help to make more informed and proportionate targeting decisions.

The technological superiority that these aircraft have gives them the capacity to confirm the nature of targets and their environment accurately to match the targets, which gives immense possibilities to adhere to the principle of proportionality.²²

3- Principle of Precaution in Attack

This principle is codified in Article 57 of Additional Protocol I, and the practice of states has shown that it has become a customary rule that is applicable in both international and non-international armed conflicts. It demands that every possible care should be taken to avoid incidental injury and that persons who are the objects of hostilities are legitimate military targets.

Before the initiation of an attack, the initiators are required to confirm the military character of the target, and abort or suspend the operation in case it is



realized that the target is not a legitimate military target. According to this principle, the parties to a conflict have a number of specific duties: first, to ensure that the targeted people are legitimate military targets; second, to refrain from an attack, or to cancel or suspend an attack when it becomes evident that the targeted person is not directly involved in hostilities; and third, to avoid an attack in the case when it is impossible to determine whether the targeted individual is directly involved in hostilities. In this case, an attack should be called off or suspended when it is determined that the person is no longer directly engaged in hostilities, such as by being injured.

Considering these demands, the difficulties related to the application of new military technologies, including drones, can be summarized in the scope of their capacity to adhere to the main principles of the IHL in the context of verifiable military operations. Any military target should be legal and legitimate in line with the principle of distinction, the means and methods of attack should be such that they balance military necessity and humanitarian interests to minimize unnecessary suffering and collateral damage, as the principle of proportionality, and all possible precaution measures should be undertaken to minimize errors and maximize the protection of civilians, in accordance with the principle of precaution.

In this light, the drone commanders must not attack civilian targets or make strikes where civilian casualties or destruction of civilian property are expected to be excessive in comparison to the anticipated military benefit. Based on this, the use of drone strikes, which are not militarily necessary, cannot be justified by the IHL.

Consequently, drones pose a serious challenge to the current paradigm of IHL, which leads to the current legal controversy between scholars and practitioners. The main argument of disagreement is the extent to which the existing legal regulations are sufficient to govern new technologies like drones, specifically when it comes to the regulation of weapons and targeting principles. There is a divided opinion between the supporters of the idea that the IHL is flexible enough to incorporate new technologies and the opponents of the idea that the current framework is insufficient. As an example, in a legal study on the use of drones in light of international law principles governing the means and methods of warfare, there is no special additional protocol that is specific to drones, and thus, the planning and operation of drone operations should be evaluated under the First Additional Protocol. It is provided that the persons who operate should look to paragraph (2/a) of Article 57 of the First Additional

Protocol. Boothby further stated that although the First Protocol was binding during the period, drones were not popular during the period, and there was no extensive knowledge of their consequences in the weaponry industry.²³

Conversely, Michel Schmitt believed that drones are illegal weapons in themselves and that their usage cannot be condoned under any condition because they inflict arbitrary damage contrary to the provisions of Article 8 of the Rome Statute of the International Criminal Court. Schmitt claimed that drones can become a weapon of indiscriminate killing and are inherently illegitimate.²⁴

Rachel Alberstadt has contended that drones as a weapon system cannot effectively differentiate between civilians and combatants and that attacks launched by them can consequently lead to infractions that constitute war crimes. Based on this, this would be classified under international criminal law.

Based on this, the Rome Statute of the International Criminal Court provisions could be relevant to the offences committed in the course of using drones, especially, Article 8 of the Rome Statute of the International Criminal Court, which addresses the war crimes, paragraph (a) of Article 7 of the Rome Statute, which concerns the crimes against humanity, and Article 8(1) of the Rome Statute.²⁵

It should be stressed that in case these drones are employed fully and in fact in accordance with the rules and principles of IHL, and especially with the provisions that are related to the types of weapons used, their use will not be out of the legal and legitimate framework. The closer their work is to the restrictions and norms of IHL, the less it contributes to the risk of civilian casualties due to the possibility to target and evaluating the harm in advance. Thus, the ability of drones to hover for extended periods and gather information before directing precise strikes represents a fundamental advantage from the perspective of IHL.²⁶

The International Committee of the Red Cross has reaffirmed this viewpoint and has emphasized that weapons that can conduct precise strikes and prevent or at least reduce civilian casualties and destruction of civilian objects that are not a military target should be prioritized.²⁷

Under IHL, the use of drones is not inherently unlawful; their legality depends on strict adherence to the principles of distinction, proportionality, and precaution, which are applied equally to conventional weapons. The academic community remains divided, with some researchers claiming that the



technological features of drones, including accuracy in targeting and greater surveillance, can help to enhance adherence to the IHL, whereas others believe that the use of drones in operation poses an internal threat of uncontrolled damage and the violation of international criminal law.

4. International Human Rights Law and the Use of Drones

4.1 General Considerations

The last substantive domain that can be used to evaluate the legality of armed drone operations under IHRL. In this context, the right to life is safeguarded by various international and regional legal documents, the most significant one being the ICCPR, which came into force in 1976, and by rules of customary international law.²⁸ Serious violations of the right to life can be war crimes or crimes against humanity.

It is essential to recognize that IHRL is applicable both during times of peace and armed conflict.²⁹ According to IHRL, necessity and proportionality are strict rules that should guide any force use, especially when it involves law enforcement and security agencies. The force can be considered necessary only in case it is the most harmless means to achieve a legitimate end, like safeguarding life or preventing a serious crime. It should also be proportional so that the harm expected is not more than the protection benefits that are being pursued.³⁰

The IHRL places right to life as the standard rule of drone use, both in peace and in armed conflict, and emphasizes that any use of lethal force must be strictly necessary, proportionate and non-arbitrary, in contrast with IHL, which permits the use of lethal force based upon combatant status in a conflict, IHRL provides a more restrictive, individualistic framework that treats life as the highest good and only permits lethal force as a last resort to save life.

4.2 Targeting with Drones: Inside and Outside the Targeted State

4.2.1 Drone Strikes Within the Territory of the Targeted State

IHRL states that the use of drones to attack individuals on the territory of a state is illegal as a rule. Nevertheless, this type of targeting can be considered reasonable and compatible with IHRL in case it is relevant to the degree of threat and is a necessary step. That is, it has to be a serious, imminent, and immediate danger to the life of other people or security officers due to illegal violence. More so, the strike should be an absolute need and the only means of saving life without any premeditated murder. This implies that arresting should have been the first resort and not murder. Otherwise, drone attacks and murders would be unjust and unlawful according to IHRL.³¹

4.2.2 Drone Strikes Outside the Territory of the Targeted State

Any killing by a state that is not on its soil by use of drones is an extrajudicial killing. This is a term used to refer to killings that are carried out without a court conviction and with no assurances of the right of defense, right of appeal, or right of access to the law. Drone attacks waged beyond the borders of the targeted state are usually premised on intelligence data and bypass the convictions of a competent criminal court, which is a court that permits parties the opportunity to present evidence, mount a defense, and exhaust all the possibilities of appeal. This makes such drone attacks illegitimate and unlawful, and it can even lead to international responsibility grounds.³² They may only be considered legal if all the aforementioned requirements are met to ensure compliance with IHRL.

It appears that the use of drones as a modern means of killing, whether within or outside the territory of the state carrying out the attack, constitutes a form of extrajudicial execution and represents a violation of fundamental human rights—namely, the right to life and the right to a fair trial before a competent and impartial court—unless IHRL is fully respected. In any case, several factors must be taken into consideration when assessing the legitimacy and legality of any drone strike and its compatibility with international human rights law. The most important of these considerations is whether the target was listed among the most dangerous accused or terrorist criminals and whether he posed a real and imminent threat to the lives of others or to the internal and national security of the state conducting the operation. A second consideration concerns the location of the targeted individual at the time of the strike: whether he was present in a densely populated residential area or in a remote location far from populated areas; whether he was among military groups or armed militias, or among innocent civilians; and finally, whether the targeted individual had been convicted by a final and fair judicial ruling issued by a competent court, in accordance with the standards applied in democratic states.³³

Finally, it must be acknowledged that this issue has not yet been conclusively resolved at the international legal level. Nevertheless, it can be argued that targeting and killing operations carried out using drones must comply with IHRL and its established conditions and regulations. This body of law is binding at all times and in all places, whether during peace or armed conflict, and must therefore be applied to modern technologies such as drones, which represent a new means of killing—particularly in operations conducted in areas considered safe.



4.3 Application of Human Rights During Armed Conflict

The International Court of Justice (ICJ) has actually confirmed the parallel applicability of IHRL and IHL in armed conflicts³⁴ as observed in major advisory opinions and controversial cases. Although some rights under the ICCPR can be derogated under Article 4 in the case of public emergencies endangering the life of the nation, the right to life (Article 6) cannot be derogated, and it compels continuous protection even in the face of hostilities.

In the case of drone attacks in armed conflict environments, both IHRL and IHL must be respected, and the IHRL ban on arbitrary deprivation of life is understood in terms of the IHL targeting principles, including distinction and proportionality.³⁵

4.3.1 The Right to Life and Targeted Killings

The right to life is one of the fundamental rights as stated in the IHR and has connections to the enjoyment of all other rights mentioned in the IHR.³⁶ The right to life is a fundamental right that is manifested in the protection of the right by major instruments of the world and regional documents, which place an obligation on the state parties to respect, protect, and fulfil the right to life.

The Universal Declaration of Human Rights (1946) is not a legally binding document, but it is regarded as the foundation of the whole Convention on Human Rights. The right to life is stated in Article 3 of the declaration, and it says that everyone has the right to life. However, Article 6(1) of the ICCPR offers Binding protection by saying that it is the inherent right of every human being to life. The law will safeguard this right. No one will be deprived of their life without reason.³⁷

According to Article 4(2) of the ICCPR, the right to life is non-derogable and therefore, is applicable even during a public emergency and cannot be suspended even during armed conflict. In this case, Article 6 of the arbitrariness is construed in the context of IHL, such that a deprivation of life that is in line with IHL will not be arbitrary under IHRL.³⁸ Nevertheless, IHL strictly regulates hostilities, including through the principle of distinction between civilians and combatants.³⁹

Regionally, Article 2 of the European Convention on Human Rights (ECHR) guarantees the right to life and permits lethal force only in narrowly defined circumstances and subject to strict necessity and proportionality.⁴⁰ The European Court of Human Rights (ECtHR) has consistently required a restrictive interpretation of these exceptions.⁴¹ Although Article 15 ECHR permits derogation during war, no State Party has derogated from Article 2 in

relation to armed conflict.⁴²

Outside armed conflict, lethal force is governed by a law-enforcement paradigm and is lawful only where strictly necessary and proportionate to counter a grave and imminent threat to life. The ECtHR has adopted a similar approach, though the precise threshold of “imminence” remains uncertain and must be assessed case by case.⁴³

Based on this, it is extremely problematic within the context of the IHRL because drone-based targeted killings are hardly justified by the strict and cumulative criteria of necessity and proportionality. Practically, such strikes tend to be punitive in nature as opposed to the prevention of a looming threat to life. The example of this concern is the 2002 United States drone strike against Abu Ali al-Harithi in Yemen,⁴⁴ which, in the lack of any credible evidence of imminence, seemed to be retaliation against previous behaviour rather than a legitimate act of self-defence, thus failing to satisfy the necessity requirement of Article 6 of the ICCPR.

4.3.2 The Right against Cruel, Inhuman, or Degrading Treatment.

Article 7 of the ICCPR prohibits the operational use of drones because it may constitute a violation of the prohibition on cruel, inhuman, or degrading treatment. In addition to physical injuries, drones cause a lot of psychological pain. In areas where drones fly daily, it has been called hell on earth because the sound of drones and missile strikes continues without warning.⁴⁵

Interviews with survivors or those who saw drone attacks take place have led to many individuals suffering serious psychological effects. Like constant fear, post-traumatic stress. Also panic when drones are heard, fainting, nightmares, unwanted thoughts, increased fear reactions, irritability, loss of appetite, and trouble sleeping. Doctors in Pakistan said these symptoms are common among affected communities.⁴⁶

Articles 1 and 16 of the Convention Against Torture (CAT) provide that the physical and mental suffering can constitute torture, or, at the least, cruel, inhuman, or degrading treatment. Although drone activities do not necessarily satisfy the intent criterion of torture, their psychological effect tends to satisfy the standard of inhuman or degrading treatment.⁴⁷

Drone technology for targeted killings, whether within or outside the territory of a state, is a matter of concern in the context of international human rights law. These killings may violate legal norms and human rights, including the right to life, and also cause cruel, inhuman, or degrading treatment, depending on their psychological effect.



Although states justify the use of drone strikes as a counter-terrorism measure, such actions are extremely problematic because of the absence of strong international regulations and judicial control. The principles of necessity, proportionality, and legality under IHL should be strictly applied to drone technology in wartime and peacetime. In fact, the continued applicability of international human rights law, in armed conflict, emphasizes the non-derogable right to life and the prohibition of cruel, inhuman, or degrading treatment. Overall, this framework emphasizes the conflict between states due to their reliance on drones for security and the protections required by international human rights law.

5. Civilian Harm and Legal Accountability

Military operations frequently result in the death of civilians due to the use of armed drones, and it is a sad and indisputable fact. The civilian casualties are thus one of the main concerns to figure out how drone strikes operate and what their humanitarian effects are. According to international law, the incidental deaths of civilians during a legitimate military attack do not necessarily make the deaths of the civilians illegal, provided that the civilian casualties are not disproportionate to the tangible and direct military benefit expected.⁴⁸ Article 8 of the Rome Statute of the International Criminal Court defines a war crime as the intentional targeting of civilians, or the execution of an attack in the knowledge that it will result in civilian deaths on a scale that is evidently excessive. This is why it is necessary to assess civilian casualties to determine whether the principles of distinction and proportionality were observed and whether the military actions were successful. The absence of adequate post-attack evaluations does not allow for determining whether the applied force was correct, exact, or proportional, or whether the actual civilian casualties of the particular operations were known.

The IHL places explicit obligations regarding the dead, even the civilian victims. Article 12 of the Fourth Geneva Convention demands that every party to a conflict, to the extent possible under military conditions, should help in the search for the wounded and persons who have been killed. Article 8 of Additional Protocol II also has this obligation. Further on, Article 33 and Article 34 of Additional Protocol I establish more specifications regarding the location, identification, and recovery of missing and deceased persons. Notably, it has been stated that the regulations regarding the identification of civilian casualties have become customary international law, i.e. the rules apply to states that also engage in drone operations, even though they are not signatories to the

Additional Protocols.⁴⁹ According to a study of Customary IHL carried out by the ICRC, rule 109 is that, where feasible, particularly once fighting has ceased, every party to a conflict must take immediate action to search, recover, and remove the dead without discrimination.⁵⁰ Similarly, Rule 116 obligates parties to actively participate in assisting in finding the people who are killed.⁵¹ This was affirmed in the Jenin (Mortal Remains) case in which the Israeli High Court of Justice held that parties have a duty to search and find the remains of their own forces, enemy fighters, and civilians, irrespective of their affiliation, in respect of all the dead.⁵² Thus, the identification and recovery of civilian casualties is a duty that is evident in international law.

Both IHRL and IHL have the principle of accountability. It obligates states to inquire into alleged violations and, in the case of necessity, prosecute the perpetrators.⁵³ The UN Basic Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (1989) states that in case of a reason to suspect that a death has occurred under such conditions, an independent and impartial investigation should be conducted to determine the cause of death and to assist in preventing such cases in the future.⁵⁴ Since the legal regulations are not the same in armed conflict and peacetime, these two circumstances should be discussed separately.

Even though the IHRL does not expressly demand that states should investigate violations, states have an obligation to do so, as they have a general obligation to protect the rights of individuals within their jurisdiction as required by treaties.⁵⁵ The decisions made by the courts prove that this obligation to investigate is a crucial aspect of the work of the state to guarantee the human rights of people.⁵⁶ During peacetime, the IHRL obliges the states to conduct an effective investigation whenever a person is killed by the use of force by the state agents or armed groups since it is based on the right to life.⁵⁷ The state authorities should act independently and do not have to wait until the relatives of the victim complain. Not investigating such cases would amount to infringing the right to life, and the killing of civilians may be regarded as arbitrary murders. To conduct an effective investigation, the investigation should be conducted promptly, comprehensively, objectively, and without favor by qualified officials.⁵⁸ It must be broad enough to look into the manner in which the operation was planned and controlled to establish whether the state met its obligation to safeguard life. ⁵⁹A good investigation must be in a position to determine the legality of the use of force and also determine the number of civilian casualties.



Consequently, any lethal drone strikes conducted outside an armed conflict should, in theory, be investigated, even though international human rights instruments contain no specific provisions. This legal requirement, however, exposes a significant accountability gap, as states retain considerable discretion in determining how—or even whether—such investigations are carried out. While international law emphasizes the protection of the right to life, the practical implementation of these investigations often falls short, highlighting the tension between state security practices and the safeguarding of human rights.

In contrast to the indirect duties of the IHRL, the IHL better stipulates that states must investigate violations. Additional Protocol I requires military commanders to report any violation of the Conventions or the Protocol to the relevant authorities.⁶⁰ Article 85 of Additional Protocol I and all four 1949 Geneva Conventions demand that parties conduct a search and bring to their own courts anyone who has perpetrated, or ordered the perpetration of, serious violations of IHL, irrespective of their nationality. This obligation is applicable to any violation of IHL, which can be defined as a war crime. In this regard, there is an argument that states should conduct a swift, autonomous, and impartial inquiry and give an elaborate public statement whenever civilians are killed.⁶¹ It is also stated that in case this preliminary investigation establishes reasonable grounds to believe that there is a war crime, then a formal criminal investigation should be conducted.⁶² Conversely, some believe that it would be incorrect to presume that every civilian loss during armed conflict is an indication of a war crime, according to the targeting provisions of the IHL.⁶³ The necessity to conduct a fact-finding of missing and dead persons and provide information about them, which is relevant in both international and non-international armed conflicts.⁶⁴ Moreover, the duty to prosecute persons who are suspected of having committed war crimes is regarded as a rule of customary IHL, and it applies to both parties in international and non-international armed conflicts.⁶⁵ This implies that it is evident that there is an obligation on all states that deploy drones to probe into possible war crimes, whether they were perpetrated in non- international armed conflicts or not.

IHRL stipulates that the deaths and injuries of civilians should be properly investigated and the victims or their families compensated. Legal mechanisms and procedures are required to bring those who kill civilians to book, such as giving the victims and their families a fair trial and compensation.⁶⁶ Moreover, it has been mentioned that victims and their families have a right to an effective

remedy.

However, remedies can only be effective in the presence of sufficient access to justice and operational fair trial systems. Even though the legal requirement to investigate and compensate is evident, victims of drone attacks are usually in remote locations with little access to courts or other legal institutions. The efforts to prosecute cases in the countries where the strikes are legalized are infrequent and are frequently suppressed by the state or court-imposed secrecy. Cases presented in states that might have enabled drone attacks often fail because of a lack of jurisdiction, since the courts are not usually keen to adjudicate on the acts of foreign states.⁶⁷

Although IHL offers explicit and definite obligations to states to investigate and prosecute violations, such as war crimes, in reality, these obligations are challenged. The legal frameworks, including the Geneva Conventions and Additional Protocol I, place reporting and prosecutorial responsibilities on states, which emphasizes a strong accountability system in theory. Nevertheless, the application of these regulations is impaired by the lack of access to justice, jurisdictional issues, and the secrecy of drone operations. Despite the fact that IHRL also focuses on investigation, compensation, and efficient remedies to civilian harm, its indirect responsibilities are not as strong in implementation, especially in remote or conflict-prone regions. This opposition highlights a longstanding discrepancy between the official legal requirements of IHL/IHRL and the facts of applying civilian casualty accountability in contemporary drone warfare.



6. Transparency in Lethal Drone Operations

The duty of states under IHL, IHRL, and national laws requires transparency to make sure that targeted killings by armed drones are in line with the legal norms of the use of force. The absence of the disclosure of the relevant information makes it impossible to evaluate whether drone strikes comply with such principles as distinction, proportionality, and necessity.

Transparency is required to ascertain whether the application of force is in line with or against international law. It has been put forward that failure by states to share information is tantamount to being granted an unacceptable and illegal license to kill.⁶⁸ There is no unanimity on the legal standards that should lead to the use of drones, and, in this regard, states have an urgent need to reveal what legal grounds they are using to carry out drone strikes.⁶⁹ Lack of such information paralyzes the investigations of the drone strikes, which are the jurisdiction of states: the ECtHR has already decided that the refusal to investigate, prosecute, and compensate the right to life violations may be a violation of the right to life itself.⁷⁰ However, this necessity is weighed against the necessity or wish of governments to enforce transparency as a means of national security.⁷¹ Investigation, punishment, and compensation require public access to relevant information.⁷²

The short-term issue is that certain agencies with the responsibility of deploying unmanned drones (eg, the CIA, flying drones in Pakistan, Somalia, and Yemen) are opaque. In fact, the very course of drone operations by these agencies has caused an almost insurmountable hindrance to transparency.⁷³ Senior politicians have also issued certain statements publicly regarding the use of drones, stating that this is done in the name of transparency. As an example, President Obama, in a speech in 2013 at the National Defense University, declassified information regarding a drone strike on a U.S. national, stating that this was to encourage transparency and debate. He said that the strike brought up solemn constitutional concerns and said that his administration was considering proposals to tighten the reins on such operations.⁷⁴

The argument rightly focuses on transparency as a legal obligation under IHL, IHRL, and domestic law to evaluate the lawfulness of drone strikes, especially in the context of such fundamental principles as distinction, proportionality, and necessity. In the absence of disclosure, substantial legal review and responsibility is grossly compromised, which is why it is believed that secrecy is a danger of facilitating illegal applications of force. This stance is reinforced by the mention of ECtHR jurisprudence, which emphasizes that the

inability to investigate and offer remedies can be violations of the right to life in itself. Nevertheless, the tension between transparency and national security could be better addressed in the analysis because states tend to use security reasons to restrict disclosure. Although some examples like the partial declassification by President Obama, indicate political recognition of the issue of transparency, it also demonstrates how selective and discretionary state disclosure is, and this is not enough to create a consistent and enforceable legal norm.

7. Drone Accountability: States and Non-State Actors

Article 8 of the Rome Statute can be used to consider serious offenses against IHL as war crimes. Moreover, the mass and illegal use of drones beyond the borders of a state can be considered an act of aggression that obviously contravenes the UN Charter. This may result in personal criminal liability for the offense of aggression in both customary international law and in Article 8bis of the ICC Statute that came into force in 2017. In any of these cases, those who commit such acts can be tried in the ICC (where it has jurisdiction), another international criminal tribunal, or a qualified national court.⁷⁵

International law holds states accountable for the acts of their governmental bodies as well as individuals who act under their directive or supervision. Any international wrongful act of a state results in international responsibility, which requires three factors: the conduct must be imputable to the state, the conduct must violate an international legal obligation, and the conduct must not be justified by a legal justification that eliminates its wrongfulness.

The initial factor, which is attribution, is usually not very difficult to determine when it comes to armed drone operations, as drones are either run by the military of a particular state or, in certain instances, like the United States, by intelligence agencies. The second factor, which is establishing a violation of an international obligation, may become a significant barrier to the imposition of responsibility on states in the case of drone attacks. According to the IHRL, a state can only be subject to obligations where it has jurisdiction over a territory, which is a very controversial concept that has been construed in various ways by international law. Consequently, there can be a lack of accountability for drone strikes that contravene human rights. States can, however, continue to be responsible for the breach of other requirements of international law, such as IHL or *jus ad bellum*.



Another criterion through which state responsibility may be established is when a state assists or helps the illegal action of another state. This criterion is based on two conditions: the assisting state must know the conditions under which the action of the assisted state is illegal, and its assistance must be aimed at and must, in fact, facilitate the specific action. To have the threshold of a rise of the international responsibility of an assisting state, it is required that such assistance is significant, but it is not required to be established that the need is indispensable or necessary to the unlawful conduct of the assisted state. Moreover, the assisting state need not always be aware of the illegality of the assisted act; rather, it should be aware of the factual conditions that render such an act illegal. In the case of armed drone operation, when a state engages in drone attacks that are not in line with international law, a state that aids in such an operation may be liable under the law of state responsibility.⁷⁶

Furthermore, the regulations of state responsibility imply that in the case of the usage of drones with the agreement of another state, both states can be held accountable in case the strikes do not comply with IHL or IHRL. This is especially applicable to drone strikes in Pakistan, Somalia, and Yemen, where numerous strikes have been conducted with the consent of the host state. Chapter V of the Draft Articles on State Responsibility by the International Law Commission elaborates on circumstances where an act does not constitute a wrongful act. The most applicable provisions in the use of drones are Article 20, which deals with consent, and Article 21, which deals with self-defence in the context of the UN Charter. Even though they were mentioned above, it should be emphasized that consent or self-defence can eliminate the wrongfulness of the violations of jus ad bellum only, not the violations of IHL or IHRL.

In case a drone strike is proved to have violated international law, the state in question must offer reparations, depending on the severity of the violation. Such requirements involve the cessation of the illegal activity and the assurances that the illegal activity would not occur in the future.⁷⁷

A more complex question is the way in which the non-state armed groups may be held accountable under international law in case they were to employ armed drones. These groups fall under the domestic criminal law in the commission of crimes during and outside the armed conflict. Their duty under international law is, however, not so clear. No particular international legal framework directly governs the responsibility of non-state armed groups, but this does not imply that they cannot be held accountable for breaches of international law.

In a non-international armed conflict, the armed forces are subject to IHL under Common Article 3 of the Geneva Conventions and Additional Protocol II, as far as the latter is relevant to a particular situation, alongside the provisions of customary IHL.⁷⁸ This is based on Common Article 3 of the Geneva Conventions that states that each Party to the conflict must, at least, adhere to some rules. Consequently, non-state armed groups have a high likelihood of being subject to IHL since they are located within the territory of a state that is a signatory to the Geneva Conventions or since they are subject to the domestic legal jurisdiction of the states in which they are located. The UN Security Council has also affirmed that persons can be criminally liable for breaches of IHL in non-international armed conflicts. The case law also contributes to the opinion that non-state armed groups as entities are subject to IHL, rather than the individual members who constitute such groups.⁷⁹

Regarding IHRL, it has been proposed that, being a body of law that governs the interaction between governments and their subjects, it cannot be applied to non-state armed groups. However, even though states bear the most significant legal duties under IHRL, it has been argued that non-state armed groups can bear certain duties under customary IHRL.⁸⁰ This is particularly true when these groups possess a territory and perform functions that are comparable to those of a government. The UN Security Council has particularly mentioned human rights violations by non-state armed groups and has urged the latter to adhere to the relevant human rights law, and emphasized that those who commit serious human rights violations should be held accountable. This shows that the human rights law applies, at least to a certain degree, to non-state armed groups.⁸¹

According to international criminal law, people may be charged with crimes against IHL that they perpetrate or command others to perpetrate. This is particularly applicable to leaders who could be personally liable for crimes of their subordinates in the concept of command responsibility. This kind of responsibility is known to be a part of customary international law.⁸² In the case of war crimes, the committing of such crimes is done by individuals, and thus the responsibility of war crimes also falls on the individuals. The international criminal law provision that is most likely to be applicable in the scenario where a non-state armed group employs a drone in a manner that contravenes the IHL in a non-international armed conflict is Article 8 of the Rome Statute. Nevertheless, prosecution is significantly hampered, and in reality, prosecution by the state in which the violations occur is most likely to occur under the local law of the state.⁸³

By means of exploring the issue of state and individual responsibility in applying drone strikes as a subset of international law, successfully connecting



IHL, IHRL, and jus ad bellum to the possible war crimes and war of aggression. It outlines the issues of attribution, jurisdiction, and breach of the law, especially the human rights law, in which the responsibility of states is limited to their territorial presence, leaving gaps in the responsibility. The argument on complicity and consent of states provides emphasis on the subtle circumstances in which various states can hold responsibility, although the legal excuses like consent or self-defence apply only to breaches of jus ad bellum.

The discussion of the non-state armed groups is another piece of evidence of the difficulty of enforcement, as there is no specific international framework, but according to customary IHL and some human rights standards, the non-state armed groups are obliged, particularly when they possess a territory and/or execute some functions of a government. The focus on command responsibility is correct in strengthening individual responsibility since it embodies the adage that war crimes are not committed by abstractions, but individuals. Nevertheless, the material also reveals the pragmatic constraints that prosecution can oftentimes have, being confined to domestic courts, revealing the ongoing conflict between the normative authority of international law and the challenges of its application in states and non-state settings.

Conclusion:

At the end of this study, the following conclusions were reached:

1. IHL does not prohibit the use of drones; however, this is not absolute. States must ensure that when using drones as a means or method of warfare, they comply with the rules and principles of IHL.
2. It should be emphasized that targeting civilians with remotely piloted aircraft is a violation of international law, including IHL, which protects civilians from unlawful acts of hostilities.
3. The use of lethal force is considered a last resort under IHRL and must be necessary and proportionate. Any deprivation of the right to life must not be arbitrary, and targeted killings by drones otherwise constitute a violation of IHRL.
4. The right to a fair and public trial before a competent, independent, and impartial tribunal is guaranteed by international conventions, constitutions, and laws. The use of lethal force against suspects cannot be arbitrary; their criminal responsibility must first be established by a competent court. Otherwise, targeted killings by drones constitute a violation of the suspects' rights.

Recommendations

In light of these findings:

1. Establish a definite international treaty under the United Nations to control the use of armed drones. Such an agreement must clarify how and when drones can be utilized and what legal implications arise out of their use, rather than using the ancient general regulations, which might not apply to the new technology.
2. Request an opinion on the legality of these weapons in the ICJ via the UN General Assembly and then implement a binding Security Council resolution to control their use based on the opinion.
3. Make it mandatory for all states that own and use armed drones to label them with their nationality and flag, such that anyone can easily identify which state is the cause of any attack.
4. Modernize IHL to ensure that it is compatible with new weapons such as armed drones and able to address new types of conflicts and future wars.

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