

Is a crime of aggression being committed against Greece?

Συντάχθηκε απο τον/την Χρήστος Μπούμπουλης (Christos Boumpoulis)

Σάββατο, 10 Δεκέμβριος 2016 21:50 - Τελευταία Ενημέρωση Σάββατο, 10 Δεκέμβριος 2016 22:17

Is a crime of aggression being committed against Greece? Questionnaire: 1. Why, one. of the most wealthy countries in the world (according to Δημήτριος Μπάτσης, «Η βαριά βιομηχανία στην Ελλάδα». 1946,

<http://www.livepedia.gr/index.php/>

Μπάτσης_Δημήτριος) Greece, is undergoing an inexplicable and devastating crisis in hers National economy?

2. Why, the Greek copper mineral reserves, which are located near to the village Kirki, at the prefecture of Evros, at the region of Thrace, at northern Greece and which volume is (according to the Greek army retired general and physicochemist George Aifantis, video: title [ΑΨΦΑΝΤΗΣ ΚΟΥΠΕΡ ΝΕΥΣΚΟΣΜΟΣ] www.youtube.com/watch?v=UiP2DISCIBc) more than one hundred (100) times larger than those of Chile's, remain completely, unexploited?

3. Why, the Greek oil and natural gas, mineral reserves, which have already been found both, under the Greek sea bed, as well as, beneath Greek soil, remain, almost, completely unexploited?

4. Who should be held responsible for the unjust and senseless deaths of thousands innocent Greek civilians, due to their committing suicides for their own extreme poverty; due to Greece's public health system's lack of vital resources; probably, due to their previous occupying (business, commercial, opinion leading, public administrative, real estate, scientific, etc.) "gatekeeper's" position; probably and indirectly, due to existing and amoral colonial influence which is being exercised upon various domains of Greece's economy?

5. Why, the most part of Greece's natural leadership (political, social, academic, economic, cultural, military, etc) remain "silent", while, the international ban of colonialism is profoundly violated, against Greece?

6. Why, almost, no european tourists visit the northern part of Greece which is eastern to the city of Kavala?

7. Why, indiginous Greeks holding a position of authority, of any kind, has become a very rare phenomenon?

8. Why, the Greek judicial system, for some decades now, remains idle before, innumerable, severe and obvious violations of the Greek Constitution and of the Greek Law?

9. Why, the Greek judicial system, for some decades now, remains idle before many, inhumane and obvious, persecutions, of various kinds (political, social, "psychiatric", professional, etc), of innocent patriotic political dissidents and innocent patriotic wistleblowers?

The Law of war is very restrictive as to the treatment of civilians and prisoners.

Instead, the ordinary law which is valid, normally, only during the times of peace, leaves enormouse "windows of opportunity" to become exploited, through innumerable methods of "no

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touch violence” in order for, even, crimes of aggression to become committed without being noticed; with no one being held responsible for them.

I would like to express my deepest conviction that, all the countries of our world, including the colonial ones, can easily become economically viable, without their having to resort to, potential, crimes of aggression against any honest and peaceful Nation. In order to support publicly this conviction I have already publicized many, related, rational arguments.

There are some indications that the colonial States’ elites, simply, do not even consider rational arguments of that sort.

Therefore, it seems that, the responsibility, of sustaining the lives of the innocent human beings, all over the world, as well as, of sustaining a just peace in between and within, all the countries of our world, falls upon the ordinary citizens’ shoulders, of our world.

Throughout all our human history, meta-facism was, consistently, persecuting the natural leadership of the Nations.

By following the ties of those persecutions, anyone could trace the causal “coordinates” of meta-facism.

According to my opinion, meta-facism is the unintentional consequence of the combination of, the quantitative asymmetry between leadership and people; and the insufficient statistical means of people’s cultural cultivation. In other words, it is, potentially, terrifying, trying to lead people which embody insufficient spiritual cultivation. Meta-facism, probably, is the consequence of this kind of terror.

As in most of the practical domains, in life, there are, corresponding, experts.

And, as in every domain in life, there are honest people and there are people who lack honesty.

It seems to me that, in order for, each and every Nation of our world, with no exception, to enjoy, Peace, Freedom, Cooperation and frugal Prosperity, the ordinary people of our Nations, after having become, somehow, organized with each other, they should resort, with no delay, to the existing, honest individuals, located all round the world, which command expert knowledge of developing worldviews of Peace and Cooperation.

Christos Boumpoulis

Economist

P.S.: I condemn all kinds of violence.

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Appendix

Law of war

The law of war is a legal term of art that refers to the aspect of public international law concerning acceptable justifications to engage in war (*jus ad bellum*) and the limits to acceptable wartime conduct (*jus in bello* or International humanitarian law).

Among other issues, modern laws of war address declarations of war, acceptance of surrender and the treatment of prisoners of war; military necessity, along with distinction and proportionality; and the prohibition of certain weapons that may cause unnecessary suffering.[1]

The law of war is considered distinct from other bodies of law—such as the domestic law of a particular belligerent to a conflict—that may provide additional legal limits to the conduct or justification of war.

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Early sources and history

Attempts to define and regulate the conduct of individuals, nations, and other agents in war and to mitigate the worst effects of war have a long history. The earliest known instances are found in the Mahabharata and the Torah (Old Testament).

In the Indian subcontinent, the Mahabharata describes a discussion between ruling brothers concerning what constitutes acceptable behavior on a battlefield:

One should not attack chariots with cavalry; chariot warriors should attack chariots. One should not assail someone in distress, neither to scare him nor to defeat him ... War should be waged for the sake of conquest; one should not be enraged toward an enemy who is not trying to kill him.

An example from the Deuteronomy 20:19–20 limits the amount of acceptable collateral and environmental damage:

When thou shalt besiege a city a long time, in making war against it to take it, thou shalt not destroy the trees thereof by forcing an axe against them: for thou mayest eat of them, and thou shalt not cut them down (for the tree of the field is man's life) to employ them in the siege: Only the trees which thou knowest that they be not trees for meat, thou shalt destroy and cut them down; and thou shalt build bulwarks against the city that maketh war with thee, until it be subdued.[2]

Also, Deuteronomy 20:10–12, requires the Israelites to make an offer of peace to the opposing party before laying siege to their city.

When you march up to attack a city, make its people an offer of peace. If they accept and open their gates, all the people in it shall be subject to forced labor and shall work for you. If they refuse to make peace and they engage you in battle, lay siege to that city.[3]

Similarly, Deuteronomy 21:10–14 requires that female captives who were forced to marry the victors of a war could not be sold as slaves.[4]

In the early 7th century, the first Caliph, Abu Bakr, whilst instructing his Muslim army, laid down the following rules concerning warfare:

Stop, O people, that I may give you ten rules for your guidance in the battlefield. Do not commit

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treachery or deviate from the right path. You must not mutilate dead bodies. Neither kill a child, nor a woman, nor an aged man. Bring no harm to the trees, nor burn them with fire, especially those which are fruitful. Slay not any of the enemy's flock, save for your food. You are likely to pass by people who have devoted their lives to monastic services; leave them alone.[5][6]

Furthermore, Sura Al-Baqara 2:190-193 of the Koran requires that in combat Muslims are only allowed to strike back in self-defence against those who strike against them, but, on the other hand, once the enemies cease to attack, Muslims are then commanded to stop attacking.

In the history of the early Christian church, many Christian writers considered that Christians could not be soldiers or fight wars. Augustine of Hippo contradicted this and wrote about 'just war' doctrine, in which he explained the circumstances when war could or could not be morally justified.

In 697, Adomnan of Iona gathered Kings and church leaders from around Ireland and Scotland to Birr, where he gave them the 'Law of the Innocents' which banned killing of women and children in war, as well as banning the destruction of churches.[7]

In medieval Europe, the Roman Catholic Church also began promulgating teachings on just war, reflected to some extent in movements such as the Peace and Truce of God. The impulse to restrict the extent of warfare, and especially protect the lives and property of non-combatants continued with Hugo Grotius and his attempts to write laws of war.

One of the grievances enumerated in the American Declaration of Independence was that King George III "(...) has endeavoured to bring on the inhabitants of our frontiers the merciless Indian Savages whose known rule of warfare is an undistinguished destruction of all ages, sexes and conditions."

Modern sources

The modern law of war is made up from three principal sources:[1]

Lawmaking treaties (or conventions) — see § International treaties on the laws of war below.

Custom. Not all the law of war derives from or has been incorporated in such treaties, which can refer to the continuing importance of customary law as articulated by the Martens Clause. Such customary international law is established by the general practice of nations together with their acceptance that such practice is required by law.

General Principles. "Certain fundamental principles provide basic guidance. For instance, the principles of distinction, proportionality, and necessity, all of which are part of customary international law, always apply to the use of armed force".[1]

Positive international humanitarian law consists of treaties (international agreements) which directly affect the laws of war by binding consenting nations and achieving widespread consent.

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The opposite of positive laws of war is customary laws of war,[1] many of which were explored at the Nuremberg War Trials. These laws define both the permissive rights of states as well as prohibitions on their conduct when dealing with irregular forces and non-signatories.

The Treaty of Armistice and Regularization of War signed in the Venezuelan city of Trujillo in November 25 and 26 1820 between the president of the Republic of Colombia, Simon Bolivar and the Chief of the Military Forces of the Spanish Kingdom, Pablo Morillo, is the precursor of the International Humanitarian Law.[8] The Treaty of Guadalupe Hidalgo, signed and ratified by the United States and Mexico in 1848, articulates rules for any future wars, including protection of civilians and treatment of prisoners of war.[9] The Lieber Code, promulgated by the Union during the American Civil War, was critical in the development of the laws of land warfare.[10] Historian Geoffrey Best called the period from 1856 to 1909 the law of war's "epoch of highest repute." [11] The defining aspect of this period was the establishment, by states, of a positive legal or legislative foundation (i.e., written) superseding a regime based primarily on religion, chivalry, and customs.[12] It is during this "modern" era that the international conference became the forum for debate and agreement between states and the "multilateral treaty" served as the positive mechanism for codification.

In addition, the Nuremberg War Trial judgment on "The Law Relating to War Crimes and Crimes Against Humanity"[13] held, under the guidelines Nuremberg Principles, that treaties like the Hague Convention of 1907, having been widely accepted by "all civilised nations" for about half a century, were by then part of the customary laws of war and binding on all parties whether the party was a signatory to the specific treaty or not.

Interpretations of international humanitarian law change over time and this also affects the laws of war. For example, Carla Del Ponte, the chief prosecutor for the International Criminal Tribunal for the former Yugoslavia pointed out in 2001 that although there is no specific treaty ban on the use of depleted uranium projectiles, there is a developing scientific debate and concern expressed regarding the effect of the use of such projectiles and it is possible that, in future, there may be a consensus view in international legal circles that use of such projectiles violates general principles of the law applicable to use of weapons in armed conflict.[14] This is because in the future it may be the consensus view that depleted uranium projectiles breach one or more of the following treaties: The Universal Declaration of Human Rights; the Charter of the United Nations; the Genocide Convention; the United Nations Convention Against Torture; the Geneva Conventions including Protocol I; the Convention on Conventional Weapons of 1980; the Chemical Weapons Convention; and the Convention on the Physical Protection of Nuclear Material.[15]

Purposes of the laws

It has often been commented that creating laws for something as inherently lawless as war seems like a lesson in absurdity. But based on the adherence to what amounted to customary international law by warring parties through the ages, it was felt that codifying laws of war would be beneficial.

Some of the central principles underlying laws of war are:

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Wars should be limited to achieving the political goals that started the war (e.g., territorial control) and should not include unnecessary destruction.

Wars should be brought to an end as quickly as possible.

People and property that do not contribute to the war effort should be protected against unnecessary destruction and hardship.

To this end, laws of war are intended to mitigate the hardships of war by:

Protecting both combatants and non-combatants from unnecessary suffering.

Safeguarding certain fundamental human rights of persons who fall into the hands of the enemy, particularly prisoners of war, the wounded and sick, and civilians.

Facilitating the restoration of peace.

Principles of the laws of war

Military necessity, along with distinction, and proportionality, are three important principles of international humanitarian law governing the legal use of force in an armed conflict.

Military necessity is governed by several constraints: an attack or action must be intended to help in the defeat of the enemy; it must be an attack on a legitimate military objective,[16] and the harm caused to civilians or civilian property must be proportional and not excessive in relation to the concrete and direct military advantage anticipated.[17]

Distinction is a principle under international humanitarian law governing the legal use of force in an armed conflict, whereby belligerents must distinguish between combatants and civilians.[a][18]

Proportionality is a principle under international humanitarian law governing the legal use of force in an armed conflict, whereby belligerents must make sure that the harm caused to civilians or civilian property is not excessive in relation to the concrete and direct military advantage expected by an attack on a legitimate military objective.[17]

Example substantive laws of war

To fulfill the purposes noted above, the laws of war place substantive limits on the lawful exercise of a belligerent's power. Generally speaking, the laws require that belligerents refrain from employing violence that is not reasonably necessary for military purposes and that belligerents conduct hostilities with regard for the principles of humanity and chivalry.

However, because the laws of war are based on consensus, the content and interpretation of such laws are extensive, contested, and ever-changing.[19] The following are particular

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examples of some of the substance of the laws of war, as those laws are interpreted today.

Declaration of war

Section III of the Hague Convention of 1907 required hostilities to be preceded by a reasoned declaration of war or by an ultimatum with a conditional declaration of war.

Some treaties, notably the United Nations Charter (1945) Article 2, and other articles in the Charter, seek to curtail the right of member states to declare war; as does the older Kellogg-Briand Pact of 1928 for those nations who ratified it.

Lawful conduct of belligerent actors

Modern laws of war regarding conduct during war (*jus in bello*), such as the 1949 Geneva Conventions, provide that it is unlawful for belligerents to engage in combat without meeting certain requirements, such as wearing distinctive uniform or other distinctive signs visible at a distance, carrying weapons openly, and conducting operations in accordance with the laws and customs of war. Impersonating enemy combatants by wearing the enemy's uniform is allowed, though fighting in that uniform is unlawful perfidy, as is the taking of hostages.

Combatants also must be commanded by a responsible officer. That is, a commander can be held liable in a court of law for the improper actions of his or her subordinates. There is an exception to this if the war came on so suddenly that there was no time to organize a resistance, e.g. as a result of a foreign occupation.

Persons parachuting from an aircraft in distress

Modern laws of war, specifically within Protocol I additional to the 1949 Geneva Conventions, prohibits attacking persons parachuting from an aircraft in distress regardless of what territory they are over. Once they land in territory controlled by the enemy, they must be given an opportunity to surrender before being attacked unless it is apparent that they are engaging in a hostile act or attempting to escape. This prohibition does not apply to the dropping of airborne troops, special forces, commandos, spies, saboteurs, liaison officers, and intelligence agents. Thus, such personnel descending by parachutes are legitimate targets and, therefore, may be attacked, even if their aircraft is in distress.

Red Cross, Red Crescent, Magen David Adom, and the white flag

Modern laws of war, such as the 1949 Geneva Conventions, also include prohibitions on attacking doctors, ambulances or hospital ships displaying a Red Cross, a Red Crescent, Magen David Adom, The Red Crystal, or other emblem related to the International Red Cross and Red Crescent Movement. It is also prohibited to fire at a person or vehicle bearing a white flag, since that indicates an intent to surrender or a desire to communicate.

In either case, persons protected by the Red Cross/Crescent/Star or white flag are expected to maintain neutrality, and may not engage in warlike acts. In fact, engaging in war activities under

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a protected symbol is itself a violation of the laws of war known as perfidy. Failure to follow these requirements can result in the loss of protected status and make the individual violating the requirements a lawful target.

Applicability to states and individuals

The law of war is binding not only upon States as such but also upon individuals and, in particular, the members of their armed forces. Parties are bound by the laws of war to the extent that such compliance does not interfere with achieving legitimate military goals. For example, they are obliged to make every effort to avoid damaging people and property not involved in combat or the war effort, but they are not guilty of a war crime if a bomb mistakenly or incidentally hits a residential area.

By the same token, combatants that intentionally use protected people or property as human shields or camouflage are guilty of violations of the laws of war and are responsible for damage to those that should be protected. The use of contracted combatants in warfare has been an especially tricky situation for the laws of war. Some scholars claim that private security contractors appear so similar to state forces that it is unclear if acts of war are taking place by private or public agents.[20] International law has yet to come to a consensus on this issue.

Remedies for violations

During conflict, punishment for violating the laws of war may consist of a specific, deliberate and limited violation of the laws of war in reprisal.

After a conflict has ended, persons who have committed or ordered any breach of the laws of war, especially atrocities, may be held individually accountable for war crimes through process of law. Also, nations which signed the Geneva Conventions are required to search for, then try and punish, anyone who has committed or ordered certain "grave breaches" of the laws of war. (Third Geneva Convention, Article 129 and Article 130.)

Combatants who break specific provisions of the laws of war are termed unlawful combatants. Unlawful combatants who have been captured may lose the status and protections that would otherwise be afforded to them as prisoners of war, but only after a "competent tribunal" has determined that they are not eligible for POW status (e.g., Third Geneva Convention, Article 5.) At that point, an unlawful combatant may be interrogated, tried, imprisoned, and even executed for their violation of the laws of war pursuant to the domestic law of their captor, but they are still entitled to certain additional protections, including that they be "treated with humanity and, in case of trial, shall not be deprived of the rights of fair and regular trial." (Fourth Geneva Convention Article 5.)

For example, in 1976, foreign soldiers fighting for the National Liberation Front of Angola (FNLA) were captured by the People's Movement for the Liberation of Angola (MPLA) during the Angolan Civil War in 1975. In the Luanda Trial, after "a regularly constituted court" found them guilty of being unlawful mercenaries, three Britons and an American were shot by a firing squad on July 10, 1976. Nine others were imprisoned for terms of 16 to 30 years.

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International treaties on the laws of war

See also: List of international declarations

List of declarations, conventions, treaties and judgments, and on the laws of war:[21][22][23]

1856 Paris Declaration Respecting Maritime Law abolished privateering.

1864 Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field.[24]

1868 St. Petersburg Declaration Renouncing the Use, in Time of War, of Explosive projectiles Under 400 grams Weight.

1874 Project of an International Declaration concerning the Laws and Customs of War (Brussels Declaration).[25] Signed in Brussels 27 August. This agreement never entered into force, but formed part of the basis for the codification of the laws of war at the 1899 Hague Peace Conference.[26][27]

1880 Manual of the Laws and Customs of War at Oxford. At its session in Geneva in 1874 the Institute of International Law appointed a committee to study the Brussels Declaration of the same year and to submit to the Institute its opinion and supplementary proposals on the subject. The work of the Institute led to the adoption of the Manual in 1880 and it went on to form part of the basis for the codification of the laws of war at the 1899 Hague Peace Conference.[27]

1899 Hague Conventions consisted of three main sections and three additional declarations:

I – Pacific Settlement of International Disputes

II – Laws and Customs of War on Land

III – Adaptation to Maritime Warfare of Principles of Geneva Convention of 1864

Declaration I – On the Launching of Projectiles and Explosives from Balloons

Declaration II – On the Use of Projectiles the Object of Which is the Diffusion of Asphyxiating or Deleterious Gases

Declaration III – On the Use of Bullets Which Expand or Flatten Easily in the Human Body

1907 Hague Conventions had thirteen sections, of which twelve were ratified and entered into force, and two declarations:

I – The Pacific Settlement of International Disputes

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II – The Limitation of Employment of Force for Recovery of Contract Debts

III – The Opening of Hostilities

IV – The Laws and Customs of War on Land

V – The Rights and Duties of Neutral Powers and Persons in Case of War on Land

VI – The Status of Enemy Merchant Ships at the Outbreak of Hostilities

VII – The Conversion of Merchant Ships into War-ships

VIII – The Laying of Automatic Submarine Contact Mines

IX – Bombardment by Naval Forces in Time of War

X – Adaptation to Maritime War of the Principles of the Geneva Convention

XI – Certain Restrictions with Regard to the Exercise of the Right of Capture in Naval War

XII – The Creation of an International Prize Court *

XIII – The Rights and Duties of Neutral Powers in Naval War

Declaration I – extending Declaration II from the 1899 Conference to other types of aircraft

Declaration II – on the obligatory arbitration

1909 London Declaration concerning the Laws of Naval War largely reiterated existing law, although it showed greater regard to the rights of neutral entities. Never went into effect.

1922 The Washington Naval Treaty, also known as the Five-Power Treaty (6 February).

1923 Hague Draft Rules of Aerial Warfare. Never adopted in a legally binding form.[28]

1925 Geneva protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare.[29]

1927–1930 Greco-German arbitration tribunal.

1928 Kellogg-Briand Pact (also known as the Pact of Paris).

1929 Geneva Convention, Relative to the treatment of prisoners of war.

1929 Geneva Convention on the amelioration of the condition of the wounded and sick.

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1930 Treaty for the Limitation and Reduction of Naval Armament (22 April).

1935 Roerich Pact.

1936 Second London Naval Treaty (25 March).

1938 Amsterdam Draft Convention for the Protection of Civilian Populations Against New Engines of War. This convention was never ratified.[30]

1938 League of Nations declaration for the "Protection of Civilian Populations Against Bombing From the Air in Case of War." [31]

1945 United Nations Charter (entered into force on October 24, 1945).

1946 Judgment of the International Military Tribunal at Nuremberg.

1947 Nuremberg Principles formulated under UN General Assembly Resolution 177 21 November 1947.

1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide.

1949 Geneva Convention I for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field.

1949 Geneva Convention II for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea.

1949 Geneva Convention III Relative to the Treatment of Prisoners of War.

1949 Geneva Convention IV Relative to the Protection of Civilian Persons in Time of War.

1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict.

1971 Zagreb Resolution of the Institute of International Law on Conditions of Application of Humanitarian Rules of Armed Conflict to Hostilities in which the United Nations Forces May be Engaged.

1974 United Nations Declaration on the Protection of Women and Children in Emergency and Armed Conflict.

1977 United Nations Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques.

1977 Geneva Protocol I Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts.

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1977 Geneva Protocol II Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts.

1978 Red Cross Fundamental Rules of International Humanitarian Law Applicable in Armed Conflicts.

1980 United Nations Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects (CCW).

1980 Protocol I on Non-Detectable Fragments.

1980 Protocol II on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices.

1980 Protocol III on Prohibitions or Restrictions on the Use of Incendiary Weapons.

1995 Protocol IV on Blinding Laser Weapons.

1996 Amended Protocol II on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices.

Protocol on Explosive Remnants of War (Protocol V to the 1980 Convention), 28 November 2003, entered into force on 12 November 2006.[32]

1994 San Remo Manual on International Law Applicable to Armed Conflicts at Sea.[33]

1994 ICRC/UNGA Guidelines for Military Manuals and Instructions on the Protection of the Environment in Time of Armed Conflict.[34]

1994 UN Convention on the Safety of United Nations and Associated Personnel.[35]

1996 The International Court of Justice advisory opinion on the Legality of the Threat or Use of Nuclear Weapons.

1997 Ottawa Treaty - Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction.

1998 Rome Statute of the International Criminal Court (entered into force 1 July 2002).

2000 Optional Protocol on the Involvement of Children in Armed Conflict (entered into force 12 February 2002).

2005 Geneva Protocol III Additional to the Geneva Conventions of 12 August 1949, and Relating to the Adoption of an Additional Distinctive Emblem.

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2008 Convention on Cluster Munitions (entered into force 1 August 2010).

See also

Self-defence in international law

Customary international humanitarian law

List of Articles of War

Rule of Law in Armed Conflicts Project (RULAC)

Command responsibility

Crimes against humanity

Debellatio

International law

Islamic military jurisprudence

Lawfare

Law of occupation

Law of the Sea

Right of conquest

Total war

Journal of International Law of Peace and Armed Conflict

Targeted killing

War crime, an act that amounts to a violation of the law of war

Notes

[^] Civilian in this instance means civilians who are non-combatants. Article 51.3 of Protocol I to the Geneva Conventions explains that "Civilians shall enjoy the protection afforded by this section, unless and for such time as they take a direct part in hostilities".

[^] a b c d The Program for Humanitarian Policy and Conflict Research at Harvard University, "IHL PRIMER SERIES | Issue #1" Accessed at

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^ See, e.g., Doty, Grant R. (1998). "THE UNITED STATES AND THE DEVELOPMENT OF THE LAWS OF LAND WARFARE" (PDF). *Military Law Review*. 156: 224.

^ GEOFFREY BEST, HUMANITY IN WARFARE 129 (1980).

^ 2 L. OPPENHEIM, INTERNATIONAL LAW §§ 67–69 (H. Lauterpacht ed., 7th ed. 1952).

^ Judgement : The Law Relating to War Crimes and Crimes Against Humanity contained in the Avalon Project archive at Yale Law School.

^ "The Final Report to the Prosecutor by the Committee Established to Review the NATO Bombing Campaign Against the Federal Republic of Yugoslavia: Use of Depleted Uranium Projectiles". Un.org. 2007-03-05. Retrieved 2013-07-06.

^ E/CN.4/Sub.2/2002/38 Human rights and weapons of mass destruction, or with indiscriminate effect, or of a nature to cause superfluous injury or unnecessary suffering (backup)

^ Article 52 of Additional Protocol I to the Geneva Conventions provides a widely accepted definition of military objective: "In so far as objects are concerned, military objectives are limited to those objects which by their nature, location, purpose or use make an effective contribution to

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military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage" (Source: Moreno-Ocampo 2006, page 5, footnote 11).

^ a b Moreno-Ocampo 2006, See section "Allegations concerning War Crimes" Pages 4,5.

^ Greenberg 2011, Illegal Targeting of Civilians.

^ Jefferson D. Reynolds. "Collateral Damage on the 21st century battlefield: Enemy exploitation of the law of armed conflict, and the struggle for a moral high ground". Air Force Law Review Volume 56, 2005(PDF) Page 57/58 "if international law is not enforced, persistent violations can conceivably be adopted as customary practice, permitting conduct that was once prohibited"

^ Phelps, Martha Lizabeth (December 2014). "Doppelgangers of the State: Private Security and Transferable Legitimacy". *Politics & Policy*. 42 (6): 824–849. doi:10.1111/polp.12100.

^ Roberts & Guelff 2000.

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^ Joan T. Phillips. List of documents and web links relating to the law of armed conflict in air and space operations, May 2006. Bibliographer, Muir S. Fairchild Research Information Center Maxwell (United States) Air Force Base, Alabama.

^ Convention for the Amelioration of the Condition of the Wounded in Armies in the Field. Geneva, 22 August 1864

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^ The Hague Rules of Air Warfare, 1922-12 to 1923-02, this convention was never adopted (backup site)

^ Protocol for the Prohibition of the Use of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare. Geneva, 17 June 1925

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^ Protection of Civilian Populations Against Bombing From the Air in Case of War, Unanimous resolution of the League of Nations Assembly, 30 September 1938

^ Explosive remnants of war and international humanitarian law on the website of the International Committee of the Red Cross

^ by Louise Doswald-Beck San Remo Manual on International Law Applicable to Armed Conflict at Sea 31 December 1995 International Review of the Red Cross no 309, pp. 583–594

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War crimes

A war crime is an act that constitutes a serious violation of the law of war that gives rise to individual criminal responsibility.[1] Examples of war crimes include intentionally killing civilians or prisoners, torture, destroying civilian property, taking hostages, perfidy, rape, using child soldiers, pillaging, declaring that no quarter will be given, and using weapons that cause superfluous injury or unnecessary suffering.[2]

The concept of war crimes began to emerge during the end of the 19th century and the beginning of the 20th century when the body of customary international law applicable to warfare between sovereign states was codified. Such codification occurred at the national level, such as with the publication of the Lieber Code in the United States, and at the international level with the adoption of the treaties during the Hague Conventions of 1899 and 1907. Moreover, trials in national courts during this period further helped clarify the law.[1] Following the end of World War II, major developments in the law occurred. Numerous trials of Axis war criminals established the Nuremberg principles, such as notion that war crimes constituted crimes defined by international law. Additionally, the Geneva Conventions in 1949 defined new war crimes and established that states could exercise universal jurisdiction over such crimes.[1] In the late 20th century and early 21st century, following the creation of several international courts, additional categories of war crimes applicable to armed conflicts other than those between states, such as civil wars, were defined.[1]

War crime

On July 1, 2002, the International Criminal Court, a treaty-based court located in The Hague, came into being for the prosecution of war crimes committed on or after that date. Several nations, most notably the United States, China, Russia, and Israel, have criticized the court. The United States still participates as an observer. Article 12 of the Rome Statute provides jurisdiction over the citizens of non-contracting states in the event that they are accused of committing crimes in the territory of one of the state parties.[10]

War crimes are defined in the statute that established the International Criminal Court, which includes:

Grave breaches of the Geneva Conventions, such as:

- Willful killing, or causing great suffering or serious injury to body or health
- Torture or inhumane treatment
- Unlawful wanton destruction or appropriation of property
- Forcing a prisoner of war to serve in the forces of a hostile power

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- Depriving a prisoner of war of a fair trial
- Unlawful deportation, confinement or transfer
- Taking hostages
- The following acts as part of an international conflict:
 - Directing attacks against civilians
 - Directing attacks against humanitarian workers or UN peacekeepers
 - Killing a surrendered combatant
 - Misusing a flag of truce insignia.

The following acts as part of a non-international conflict:

- Murder, cruel or degrading treatment and torture
- Directing attacks against civilians, humanitarian workers or UN peacekeepers
- Taking hostages
- Summary execution
- Pillage
- Rape, sexual slavery, forced prostitution or forced pregnancy

However the court only has jurisdiction over these crimes where they are "part of a plan or policy or as part of a large-scale commission of such crimes".[12]

Definition

War crimes are serious violations of the rules of customary and treaty law concerning international humanitarian law that have become accepted as criminal offenses for which there is individual responsibility.[17] Colloquial definitions of war crime include violations of established protections of the laws of war, but also include failures to adhere to norms of procedure and rules of battle, such as attacking those displaying a peaceful flag of truce, or using that same flag as a ruse to mount an attack on enemy troops. The use of chemical and

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biological weapons in warfare are also prohibited by numerous chemical arms control agreements and the Biological Weapons Convention. Wearing enemy uniforms or civilian clothes to infiltrate enemy lines for espionage or sabotage missions is a legitimate ruse of war, though fighting in combat or assassinating individuals, even if they are military targets, behind enemy lines while so disguised is not, as it constitutes unlawful perfidy.[18][19][20][21] Attacking enemy troops while they are being deployed by way of a parachute is not a war crime.[22] However, Protocol I, Article 42 of the Geneva Conventions explicitly forbids attacking parachutists who eject from disabled aircraft and surrendering parachutists once landed.[23] Article 30 of the 1907 Hague Convention IV - The Laws and Customs of War on Land explicitly prohibits belligerents to punish enemy spies without previous trial.[24] War crimes also include such acts as mistreatment of prisoners of war or civilians. War crimes are sometimes part of instances of mass murder and genocide though these crimes are more broadly covered under international humanitarian law described as crimes against humanity. In 2008, the U.N. Security Council adopted Resolution 1820, which noted that "rape and other forms of sexual violence can constitute war crimes, crimes against humanity or a constitutive act with respect to genocide"; see also war rape.[25] In 2016 the International Criminal Court convicted someone of sexual violence for the first time; specifically, they added rape to a war crimes conviction of Congo Vice President Jean-Pierre Bemba Gombo.[26]

War crimes also included deliberate attacks on citizens and property of neutral states as they fall under the category of non-combatants, as at the Japanese attack on Pearl Harbor. As the attack on Pearl Harbor happened without a declaration of war, without explicit warning, and went out of proportion, all military and civilian casualties at the harbor were officially non-combatants, the military were not ready for face up to the attack and the attack was declared by the Tokyo Trials to go beyond justification of military necessity and therefore constituted a war crime.[27][28][29]

War crimes are significant in international humanitarian law[30] because it is an area where international tribunals such as the Nuremberg Trials and Tokyo Trials have been convened. Recent examples are the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, which were established by the UN Security Council acting under Chapter VIII of the UN Charter.

Under the Nuremberg Principles, war crimes are different from crimes against peace which is planning, preparing, initiating, or waging a war of aggression, or a war in violation of international treaties, agreements, or assurances. Because the definition of a state of "war" may be debated, the term "war crime" itself has seen different usage under different systems of international and military law. It has some degree of application outside of what some may consider to be a state of "war", but in areas where conflicts persist enough to constitute social instability.

The legalities of war have sometimes been accused of containing favoritism toward the winners ("Victor's justice"),[31] as some controversies have not been ruled as war crimes. Some examples include the Allies' destruction of Axis cities during World War II, such as the firebombing of Dresden, the indiscriminate bombings started by Churchill,[32] the Operation Meetinghouse raid on Tokyo (the most destructive single bombing raid in history) and the

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atomic bombings of Hiroshima and Nagasaki;^[33] and the mass killing of Biharies by Kader Siddique and Mukti Bahini^[34] before or after victory of Bangladesh Liberation War in Bangladesh between 1971 and 1972.

In regard to the strategic bombing during World War II, it should be noticed that at the time, there was no international treaty or instrument protecting a civilian population specifically from attack by aircraft,^[35] therefore the aerial attacks on civilians were not officially war crimes. Because of this, the Allies at the trials in Nuremberg and Tokyo never prosecuted the Germans, including Luftwaffe commander-in-chief Hermann Göring, for the bombing raids on Warsaw, Rotterdam, and British cities during the Blitz as well as the indiscriminate attacks on Allied cities with V-1 flying bombs and V-2 rockets nor the Japanese for the aerial attacks on crowded Chinese cities.^[36] Although there are no treaties specific to aerial warfare,^[35] Protocol 1, Article 51 of the Geneva Conventions explicitly prohibits the bombardment of cities where civilian population might be concentrated regardless of any method.^[23] (see Aerial bombardment and international law).

Controversy aroused when the Allies re-designated German POWs (under the protection of the 1929 Geneva Convention on Prisoners of War) as Disarmed Enemy Forces (allegedly unprotected by the 1929 Geneva Convention on Prisoners of War), many of which then were used for forced labor such as clearing minefields.^[37] By December 1945, six months after the war had ended, it was estimated by French authorities that 2,000 German prisoners were still being killed or maimed each month in mine-clearing accidents.^[37] The wording of the 1949 Third Geneva Convention was intentionally altered from that of the 1929 convention so that soldiers who "fall into the power" following surrender or mass capitulation of an enemy are now protected as well as those taken prisoner in the course of fighting.^{[38][39]}

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Crimes of aggression

Article 8 bis defines crimes of aggression, however the Court is not yet able to prosecute individuals for these crimes. The Statute originally provided that the Court could not exercise its jurisdiction over the crime of aggression until such time as the states parties agreed on a definition of the crime and set out the conditions under which it could be prosecuted.^{[3][67]} Such an amendment was adopted at the first review conference of the ICC in Kampala, Uganda, in June 2010. However, this amendment specified that the ICC would not be allowed to exercise jurisdiction of the crime of aggression until two further conditions had been satisfied: (1) the amendment has entered into force for 30 states parties and (2) on or after 1 January 2017, the Assembly of States Parties has voted in favor of allowing the Court to exercise jurisdiction.

The Statute, as amended, defines the crime of aggression as "the planning, preparation,

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initiation or execution, by a person in a position effectively to exercise control over or to direct the political or military action of a State, of an act of aggression which, by its character, gravity and scale, constitutes a manifest violation of the Charter of the United Nations." [68] The Statute defines an "act of aggression" as "the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations." [69] The article also contains a list of seven acts of aggression, which are identical to those in United Nations General Assembly Resolution 3314 of 1974 and include the following acts when committed by one state against another state: [70]

- Invasion or attack by armed forces against territory
- Military occupation of territory
- Annexation of territory
- Bombardment against territory
- Use of any weapons against territory
- Blockade of ports or coasts
- Attack on the land, sea, or air forces or marine and air fleets
- The use of armed forces which are within the territory of another state by agreement, but in contravention of the conditions of the agreement
- Allowing territory to be used by another state to perpetrate an act of aggression against a third state
- Sending armed bands, groups, irregulars, or mercenaries to carry out acts of armed force

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Targeted killing

Targeted killing is a modern euphemism for the assassination (premeditated killing) of an individual by a state organization or institution outside a judicial procedure or a battlefield.

Targeted killings were employed extensively by death squads in El Salvador, Nicaragua, Colombia, and Haiti within the context of civil unrest and war during the 1980s and 1990s.

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Targeted killings have also been used in Somalia, Rwanda, and in the Balkans during the Yugoslav Wars. The United States government also carries out targeted killings, such as the killing of Anwar al-Awlaki. Targeted killings have also been used by narcotics traffickers.

Use of targeted killings by Israeli conventional military forces became commonplace after the Second Intifada, when Israeli security forces used the tactic to kill Palestinian opponents.[1] Though initially opposed by the Bush Administration,[2][not in citation given] targeted killings have become a frequent tactic of the United States government in the War on Terror.[1] Instances of targeted killing by the United States that have received significant attention include the killing of Osama bin Laden and of American citizens Anwar al-Awlaki and his teenage son in 2011. Under the Obama administration use of targeted killings has expanded, most frequently through use of combat drones operating in Afghanistan, Pakistan or Yemen.

The legality of targeted killing is disputed. Some[3] academics, military personnel and officials describe targeted killing as legitimate within the context of self-defense, when employed against terrorists or combatants engaged in asymmetrical warfare. They argue that drones are more humane and more accurate than manned vehicles.[4][5] Others, including academics such as Gregory Johnsen and Charles Schmitz, twenty-six members of Congress,[6] some media sources (Jeremy Scahill, Glenn Greenwald,[7] James Traub), civil rights groups like the American Civil Liberties Union[8] and ex-CIA station chief in Islamabad, Robert Grenier[9] have criticized targeted killings as a form of extrajudicial killings, which may be illegal within the United States and possibly under international law.

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