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Targeted killings and proportionality in law : two models / Larry May

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Title:	Targeted killings and proportionality in law : two models
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Abstract:	<p>The author explores three problems. First, how can targeted killings understood on the domestic law enforcement model be conducted without violating due process concerns? If the targeting is based on the conduct or behaviour of the person targeted, then it seems that a judicial determination of the facts is required. And in any event, the killing, rather than the arrest, of the person targeted would rarely be justified on a domestic law enforcement model. Secondly, on the international humanitarian law model, are targeted killings no different from other 'battlefield' killings in war or armed conflict? One of the salient issues here is how to satisfy proportionality, which seems to require that the least lethal means be used consistent with military necessity. Thirdly, under what conditions, if any, would targeted killings be subject to international criminal prosecution? If targeted killings fail to be proportionate, are those who perpetrate them prosecutable under the International Criminal Court's understanding of disproportionate attack?</p>
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