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Difficulties in prosecuting drone strikes as a war crime under international criminal law : an international humanitarian law perspective / Robert Heinsch and Sofia Pouloupoulou

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| Abstract: | Because of the growing importance of the use of drones in today's combat operations, including the phenomenon of "targeted killings", more and more commentators as well as civil society have raised the question as to which possibilities they are to prosecute certain attacks as war crimes, e.g. as "unlawful attacks" under international criminal law before national or international courts and tribunals. Connected to the different modalities of "unlawful attacks" as a war crime, is the question of whether and how international humanitarian law (IHL) is applicable to drone attacks. This contribution first presents the scope of application of IHL with a particular focus on trans-border operations and will subsequently continue with highlighting the most important IHL principles applicable to armed conflicts. It then proceeds with providing a short overview of some selected challenges encountered in attempts to ensure accountability for drone strikes under the war crimes regime and it concludes with some reflections and recommendations for future steps to be taken in this direction. |
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