

Rules of war: The killing of Hassan Nasrallah and how the west legitimised its use of assassination

Thursday 10 October 2024, by [ARCHAMBAULT Emil](#), [DUROY Sophie](#), [TRENTA Luca](#) (Date first published: 3 October 2024).

Over the past two decades, the west has begun to present these extrajudicial killings as ‘justice’ with scant regard for international law.

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When the Israel Defense Forces assassinated Hezbollah’s leader, Hassan Nasrallah, in an underground bunker in Beirut on September 27, Israeli prime minister Benjamin Netanyahu [defiantly claimed reponsibility for the killing](#). “Nasrallah was not a terrorist,” he boasted. “He was *the* terrorist.”

Similarly defiant messages came from the White House. The US president, [Joe Biden](#), called the assassination “a measure of justice for his many victims”. Meanwhile a State Department spokesperson called his killing [“an unalloyed good”](#).

Neither Israel nor the US government lamented the fact that as many as 300 civilians were killed in the attack. Perhaps they saw them as acceptable “collateral damage”.

But while many [world leaders](#) condemned the escalation of violence in the region, reactions were more muted when it came to condemning the assassination itself. Except for Hezbollah’s allies, most governments either remained silent or accepted the argument that the assassination had been “just”.

In fact, the reaction to Nasrallah’s assassination suggests that western governments have grown increasingly comfortable with the use of targeted killings, to the point that a brazen, acknowledged assassination failed to trigger meaningful condemnation.

For Israel, “targeted killings” emerged as official policy in the early 2000s as part of its effort to confront the so-called [“al-Aqsa intifada”](#). As late as July 2001, Israel’s claims that strikes against Palestinian militants did not amount to assassination were largely rejected [even by US officials](#), who called them “extrajudicial killings”.

Israel wasn’t deterred. As Israeli authorities later admitted, they launched a concerted campaign to reshape international law. “If you do something for long enough,” [as one official put it](#), “the world will accept it.”

Targeted killings

Having [banned political assassinations in 1976](#) after a Congressional inquiry, [in the 1980s the US government](#) started developing legal arguments that permitted the targeting of terrorists regardless of the ban. Washington's posture changed again in the aftermath of 9/11. The Bush administration came to consider "targeted killing" as an [important component](#) of its "global war on terror".

In 2002, the US carried out the first successful drone strike outside an area of active hostility in Yemen. The strike killed Qaed Salim Sinan al-Harethi, one of the terrorists responsible for the attack on the USS Cole, as well as an American citizen travelling with him.

The US government only referred obliquely to the strike, but [US officials dismissed the UN's criticism](#).

Targeted killings, primarily via drone strikes, expanded radically during Obama's first term. More importantly, under Obama, the US government engaged more explicitly in an effort to [justify drone strikes under international law](#).

Politically and strategically, members of the administration described targeted killings as ["surgical"](#). They were presented as better than other forms of bombing and - definitely - [better than conventional warfare](#).

On the legal side, successive US governments developed an [expanded notion of self-defence and imminence](#), arguing - in part - that the US could strike a terrorist even if they did not pose an immediate threat. The US government would often refer to Israeli jurisprudence [in its legal arguments](#).

These and other questionable interpretations of the [laws of armed conflict](#) and [human rights law](#) were used by the US to give itself (and its allies) an effective green light to target (suspected) terrorists in countries around the globe.

The Trump administration's killing of Iranian military leader [Qassem Soleimani](#) in January 2020 [adapted these arguments](#) for the targeting of a state official. Administration officials initially made claims surrounding self-defence and the imminence of Soleimani's threat to justify the hit. But these were [quickly dropped](#). American officials claimed instead that Soleimani had US blood on his hands, an argument that hinted more at revenge than self-defence.

Qassem Soleimani, Abu Mahdi al-Muhandis and Hassan Nasrallah were all the victims of targeted assassinations. EPA-EFE/Ahmed Jalil

And yet, the assassination elicited little international condemnation. In fact, a [joint statement](#) by the British, French, and German governments two days after Soleimani's death simply condemned what it described as Iran's role in the violence in the region. It failed to even mention Soleimani's killing.

These notions endured. In 2021, Joe Biden partly [justified the withdrawal from Afghanistan](#) through the availability of "over-the-horizon" capacities to "act firmly and decisively if needed". A year later, the United States [National Security Strategy](#) hailed the killing of al-Qaeda leader, Ayman al-Zawahiri, in Kabul at the end of July 2022 as a proof of concept.

Whose justice?

By this point, the US government had stopped engaging in elaborate legal justifications. Instead it would claim that [“justice had been delivered”](#). This was the same rhetoric used by Barack Obama in his speech announcing the death of 9/11 mastermind Osama Bin Laden, which had stated that [“justice has been done”](#).

Although, from a legal perspective, both the assassinations of [Bin Laden](#) and [Al-Zawahiri](#) were highly controversial, the US did not feel the need to provide a justification under international law for either.

As Nasrallah’s killing demonstrates, legitimising efforts by Israel and the US have been so successful in normalising assassination that, even when they acknowledge assassinations, they rarely engage in legal justifications anymore. Instead they simply talk of “justice”.

Two main dynamics have contributed to the normalisation of assassination and targeted killings.

Firstly there are more of them. In the conduct of their (covert) foreign policies, some countries now regularly resort to assassinations and targeted killings. They present them as “surgical” and better strategic alternatives to ground attacks and broader aerial bombing (although these routinely also take place alongside “targeted assassinations”).

Second, several states – but particularly [Israel](#) and the [US](#) – have been at the forefront of an effort to justify their conduct as compatible with international law. The deadly legacy of this process is that a strike can now be openly claimed as an [“assassination”](#), neither “surgical” nor an alternative to ground war, with little fear of international repercussions.

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