

# Political Executions

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1. Extra judicial killings take place in many countries around the globe, as in Latin America, North America, Europe, Africa, and the Middle East. Numerous, almost countless, reports have been issued in the last ten years about this international phenomenon of killings as international habitude that raises questions about “liberal globalization”.
2. To use Austin Sarat term “the killing state,” states in the end of the 20th and beginning of the 21st century kill routinely and systematically. They are doing it outside any procedures of “rule of law”, without any due process. The victims do not have a right to be heard or submit evidence; there is no trial- even not a political trial- and no processes of appeal. Nor the state neither its victims need lawyers. Victims are being judged by the executor, and executed by the judge.
3. I refer to ‘extra judicial killings’ as political executions since these killings are not only extra judicial but outside the legal field. More awareness in international law, notwithstanding, the international system marginalizes the significance of that severe phenomenon which is being committed under the veil of sovereignty or “security needs” and “internal affairs.”
4. Globalization through international covenants and international legal tribunals [for example the Fourth Geneva Convention and rulings of the ECHR] would not resolve the predicament. On the one hand, litigation in state courts would be dismissed due to

security arguments raised by government lawyers and judges. On the other hand, international law remains still significantly abstract and ineffective. What should be considered is a process of **glocalization, i.e., localization of global norms through local knowledge**. It is a process through which international organizations as **Amnesty International** and local NGOs will use international law as a source of dissent within the state, whilst conflicts as the Palestinian-Israeli conflict should be legally internationalize.

5. More concretely, I focus not on these incidents in which a Palestinian in his way to commit a deadly attack is being killed by Israeli security forces when no other option exists and when the danger to human life is imminent and immediate. I refer to those incidents in which the ***killing is a political execution***. In political executions I mean killings that are committed against political activists, whatever their opinions- even extreme opinions- might be and/or when the killings are not required for prevention of imminent and immediate danger to life.

In appearing before the Foreign Affairs and Defense Committee of the Israeli Parliament (*Knesset*) a high officer in the military establishment, declared in January, 2001:

“The liquidation of wanted persons is proving itself useful....This activity paralyzes and frightens entire villages and as a result there are areas where people are afraid to carry out hostile activities.”

In an interview with the Head of the IDF’s legal department, Colonel Reisner stated before delegates of Amnesty International, as reported in its February 2001 report:

“When questioned about the modalities of approving targets for attack, especially the Legal Department assessment of the evidence against those targeted, Colonel Reisner stated that the IDF Legal Department was not consulted on individual cases. When Amnesty International delegates raised individual cases of killings with him, where Palestinians had been killed in the IDF’s attacks or where those deliberately killed could have been arrested, he stated that he was not aware of the individual cases raised.”

6. Israeli governments have used a policy of political executions for several reasons; *inter alia*: A. as a bargaining means to coerce the Palestinian Authority to eliminate para-military organizations and political opposition in the territories and to arrest its activists. B. To deter the PA from letting these people to operate freely in its territories. C. To prevent political trials of Palestinians unless their detention in Israel serves internal Israeli political purposes. [e.g., special forces were sent to arrest several Palestinians who participated in the brutal Lynch in Ramala.] D. To satisfy Jewish public opinion in Israel by dramatizing the image of the Israeli governments as efficient in fighting terrorism.

7. Political executions are not outside the domain of research of law and society, rather it should be emphasized in future studies. PEs are done in islands of silence, many islands, among us, in which law and legality do not exist. The nation-state uses its monopoly over power and state law to prevent the embarrassment of capital punishment and the costs of operating inside the spheres of due process of law. State courts can adjudicate that issue but would not intervene under the veil of security considerations as if intervention would be improper from a public policy point of view. The international system is silent since most 'modern' states kill unlawfully. Hence, NGOs should operate through internal **mobilization** of international law whilst the conflict should be legally internationalized in a way which may break sociopolitical coalitions of war-like forces. For such mobilization to succeed NGOs should overcome fears of being perceived as traitors and unpatriotic.

8. Here in magnificent Budapest, about 100 miles from Slovakia, where most of my family was exterminated 60 years ago, I see it as a civic duty to raise a professional academic voice against severe infringements of human rights even considering the difficult warfare conditions, including fatalities of civilians that Israel faces as an occupier. It is not only a matter of theory and practice. It is not only a utilitarian need to breakdown the cycle of inter communal violence. Rather an issue of morality should be emphasized: **love your country; criticize your state, and justice, justice you should pursue.**