

Proposal for Amendment to the Rome Statute of the International Criminal Court

Prohibition of Targeted Killing by Unmanned Aerial Vehicles

Submitted by: Lev Neymotin, N5Digital, Inc.

Date: August 18, 2025

I. INTRODUCTION

The International Criminal Court (ICC) was established to prosecute the most serious crimes of concern to the international community as a whole — including genocide, crimes against humanity, war crimes, and the crime of aggression. The rapid proliferation of unmanned aerial vehicles (UAVs), including remotely piloted aircraft and autonomous aerial systems, has introduced new and dangerous means of conducting intentional killings, often beyond the reach of accountability and without adherence to the most basic principles of human dignity.

This proposal seeks to amend the Rome Statute to **establish an absolute prohibition** on the intentional targeting and killing of *any* human being using UAVs, regardless of legal status, nationality, or location. The amendment is designed to close existing legal gaps, address the unique risks posed by drone-based killings, and reinforce the universality of the right to life.

II. PROPOSED AMENDMENT TEXT

Article [XX]: Prohibition of Targeted Killing by Unmanned Aerial Vehicles

1. Definition

For the purposes of this Statute, *targeted killing by unmanned aerial vehicle* means the intentional use of an unmanned aerial vehicle (UAV), including remotely piloted aircraft or autonomous aerial systems, to locate, track, and kill any human being.

2. Absolute Prohibition

The intentional targeting and killing of any human being using an unmanned aerial vehicle shall constitute a *crime against humanity*, regardless of:

- a. The person's status under international humanitarian law;
- b. The existence or non-existence of armed conflict;
- c. The nationality of the victim or perpetrator; or
- d. The location of the act.

3. Elements of the Crime

The offence is committed where:

- a. The perpetrator employs an unmanned aerial vehicle;
- b. The UAV is used with the specific intent to kill a human being; and
- c. The killing is effected directly by the UAV's action or by ordnance or device deployed from the UAV.

4. No Exceptions

This prohibition is absolute.

- a. No claim of military necessity, national security, counterterrorism, self-defense, or any other justification shall be recognized as a defense.
- b. No exemption shall apply based on the lawful or unlawful status of the targeted individual.

5. Jurisdiction

The Court shall have jurisdiction over such crimes as provided in Part 2 of the Statute.

6. Non-Derogation

Nothing in this Article shall be construed as permitting targeted killing by any other means where such acts would otherwise constitute crimes under this Statute.

III. COMMENTARY AND RATIONALE

1. Purpose of the Amendment

The purpose of this amendment is to address the emerging and unregulated threat posed by UAV-based targeted killings, ensuring that international law evolves to safeguard human life against technologies that make killing easier, more detached, and less accountable.

2. Why the Ban Must Apply to All Human Beings

2.1 Ethical Grounds

- **Human dignity is universal:** No human being should be subject to mechanical, remote execution without due process or moral engagement by the perpetrator.
- **Erosion of moral barriers:** Remote operation diminishes the psychological threshold for killing, making lethal force more likely to be used.

2.2 Legal Grounds

- **Closing legal loopholes:** Current law restricts targeting civilians but does not universally prohibit drone killings of combatants or other individuals. This leaves room for abuse.
- **Right to life:** The *International Covenant on Civil and Political Rights* affirms a universal, non-derogable right to life — this applies equally to all, regardless of status.
- **Lack of accountability:** UAV killings often occur in secrecy, with no judicial oversight or public accountability.

2.3 Strategic Grounds

- **Conflict escalation:** Drone killings lower the threshold for lethal engagement and can provoke retaliatory violence.
- **Technology proliferation:** UAV technology is increasingly accessible, enabling state and non-state actors alike to conduct assassinations across borders.

3. Technological Characteristics Creating Unique Risks

1. **Remote execution:** Enables killing without physical risk to the perpetrator.
2. **Persistent surveillance:** Allows continuous tracking of targets for premeditated killings.
3. **Autonomous capabilities:** Emerging AI integration risks autonomous lethal action without human intervention.
4. **Borderless reach:** Facilitates killings in sovereign territories without consent, undermining stability and international order.

4. Addressing Counterarguments

Military Necessity — While international humanitarian law permits certain combat targeting during armed conflict, this amendment holds that the *means* of killing — drone-based targeting — is inherently incompatible with fundamental human rights.

Self-Defense — Claims of self-defense are insufficient to justify a method that inherently removes human judgment from lethal decision-making and normalizes remote, risk-free killing.

5. Enforcement and Jurisdiction

- The ICC will have jurisdiction over any individual who commits such an act, regardless of nationality.

- States Parties are encouraged to adopt domestic laws criminalizing UAV-based targeted killing in line with this amendment.
 - Universal jurisdiction may be applied by States to ensure no safe haven for perpetrators.
-

6. Conclusion

The intentional killing of human beings via UAVs represents a profound shift in the nature of lethal force — one that threatens to normalize extrajudicial killings and erode the universal right to life. This amendment reaffirms the principle that no technological advance, military advantage, or political goal can justify the remote, dehumanized, and unaccountable killing of any person.