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# Deterrence and Decapitation Tactics as a Strategy for Counter-Terrorism

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## ABSTRACT

Some scholars have lauded “decapitation tactics” as a legitimate approach by countries such as Nigeria, the United States of America, and Israel in their struggle against the expansion and influence of terrorist groups. The decapitation tactic implies, basically, three routes: killing, capturing, or capturing and then killing the leader(s) of terrorist cells. Through a critical analysis of the arguments for such a tactic, this article contends that the approach will not stem the proliferation of terrorist groups. The elimination of the leader(s) of terrorist groups does not play a decisive role in mitigating terrorism but has rather contributed to its surge in places with links to cells like Al-Qaeda. Also, the article defends the position that it is morally unjustified to kill terrorist leaders without a fair trial in a competent court of law. Using Boko Haram and Hamas as illustrations, the article contends that targeted killings subvert the existence and essence of the criminal justice system. Taking inspiration from deterrence theory, this article suggests that the decapitation tactic has served as a basis for escalation and proliferation of terrorist groups rather than serving as deterrence against the possibility of recurrence.

## KEYWORDS


Africa; decapitation tactics; Boko Haram; Hamas; terrorism

## Introduction

It is common to feel pity if not remorse when the horrors of the transatlantic slave trade, the Holocaust, or all kinds of violations of civil rights are discussed. Why did not rational people do more to stop it?

However, over the last decade, something similar has been witnessed in Syria, Palestine, Sudan, and Libya, and again, rather than doing something, seemingly rational persons are disinterested. Of course, in a decade or three, as usual, many will most likely wish they had dared to do something.

This reminds one of Edmund Burke’s reflection in his *Thoughts on the Cause of Present Discontents*, originally published in 1770: “When bad men combine, the good

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must associate; else they will fail, one by one, an unpitied sacrifice in a contemptible struggle” (Burke 1770). In short, for justice and truth to prevail, the morally upright cannot afford to be indifferent to the excesses of the morally bankrupt.

On this note, the world cannot continue to slumber in the wake of the torrents of terror-related activities and extrajudicial killings of innocent civilians that have become common-place, especially in places where the so-called “decapitation strategy” (or tactic, the two terms will be largely used interchangeably here) is deployed as a tool for countering terrorism.

In the quest for global peace, terrorism is one of the fundamental challenges facing the world today. Indeed, this global challenge has been called “one of the greatest problems of post-Cold War international politics” (Maskaliunaite 2002, 36). Part of the problem arguably resides with the ways in which states or governments treat the problem (see Zartman 1995; Rotberg 2003; Gurr 1970). Furthermore, the spate of terrorist activities linked to religion has reached an alarming level both nationally and internationally. Many are quick to label Islam as the one culprit, arguably forgetting horrors that Christian movements through the ages have caused (Oyekan and Ofuasia 2017). As witnessed in the Middle East, where a whole region is embroiled in religion-related terrorism, as well as in some countries in Africa and elsewhere in the world, religious terrorism cannot be divorced from the narratives that inform the values and cognitive structuring of adherents (Shurle 2010).

This article seeks to assess the approach of Nigeria, the United States of America, and Israel on counter-terrorism from a moral-legal perspective to show that it cannot produce the desired effect of deterrence.

The central question, which also commands significance for philosophical and ethical reflection, is the following: To what extent may Nigeria, the United States, and Israel’s counter-terrorism strategy be seen as a success toward the reduction of terrorist activities, as well as deterrence against future acts of terrorism? This question speaks to the relationship between crime and punishment as well as how the latter is invoked as a means of curbing the former.

Our article begins with a short discussion of the meaning of terrorism followed by an analysis of the idea of “decapitation” as a strategy. Thereafter, the study situates the discourse on terrorism and the approach taken by these countries within the context of the morality of crime and punishment. This part of the article questions the approach of the decapitation strategy as adopted by the aforementioned countries. Some objections are anticipated and responded to as well.

## **Decapitation strategy and targeted killings in counter-terrorism**

While there is no single generally acceptable definition, the term “terrorism” is a derivative of terror. In the words of Bernard Cayne, terror is “the instigation of fear in another person or a group of persons” (Cayne 1992, 1021). Fear, here, is the result of what is done not only verbally and mentally but also physically, thereby leading to injury, sickness, sorrow, psychological distress, and even death for the victims (Shurle 2010).

From another perspective, terrorism may be seen as violent activities associated with variants of ideologies ranging from religion to politics directed against perceived enemies as a way of demanding their allegiance or changing their behaviour. In the case of the

Boko Haram terrorist sect in Nigeria and other terrorist groups globally, it cannot be denied that their violent activities are usually a statement to some particular individuals or groups – perhaps those in power or one’s own adherents – to make their claims and cases strongly felt and, where possible, acceded to. Primordialist and instrumentalist theories on terrorism are significant – and needed – for the task of understanding terrorism since they serve as theoretical platforms for comprehending the underlying factors or motivations for engaging in acts of terror. In this study, they help put the contentions of terror groups in Africa and the Middle East into a relevant context, making our analysis more coherent.

Scholars who share the approach to terrorism studies from the perspective of primordialist theory maintain that “ethnic groups and nationalities exist because there are traditions of belief and action towards primordial objects such as biological features and especially territorial location” (Grosby 1994, 168). The primordialist approach is mainly based on a concept of kinship between members of an ethnic group. On this note, Donald L. Horowitz (1984, 57) reflects: “kinship makes it possible for ethnic groups to think in terms of family resemblances.” Huntington (1993) toes this line when he says that cultural identities are important in understanding the future world order. However, there is also scholarship that finds ethnicity and identities to be more mythical, yet invoked to serve certain ends (see Oyekan 2020). Perhaps this is why there is a strong tie among members of the Indigenous Peoples of Biafra (IPOB) whose sole purpose is to realise the secession of Igbos from Nigeria to form the Republic of Biafra. However, this was not how they perceived themselves before the advent of colonisation:

In my area, historically, they did not see themselves as Igbos. They saw themselves as people from this village or that village. In fact in some place “Igbo” was a word of abuse; they were the “other” people, down in the bush. And yet after the Biafran War, during a period of two years, it became a powerful consciousness. But it was *real* all the time. They all spoke the same language called “Igbo,” even though they were not using that identity in any way. But the moment came when this identity became very powerful ... and over a very short period. (Achebe 1982)

According to Chinua Achebe, it was the Nigerian Civil War that initiated the idea of the Igbo as a consciousness – a consciousness that was hitherto otiose. Similarly, the Lingala and Swahili-speaking peoples of the Democratic Republic of Congo (formerly Zaire) are consequent of “spheres of political and economic interests [that] were established before the Belgians took full control and continued to inform relations between regions under colonial rule” (Fabian 1986, 42–3). Analyzing the case of the DRC, Kwame Appiah (1992, 62) explains that the movement in question is “a product of recent history, an outcome of worker stratification imposed by the Belgian administration.”

In Ghana, an Akan identity surfaced as an opposition to Ewe unity (Oyekan 2020). In Nigeria, the idea of Yorùbá as an ethnic identity that involves various groups that speak the dialect did not appear before 1945, through the cultural nationalism captured by *Egbe Omo Oduduwa* (see Falola 2018). Even “Yorùbá” is said to be a Hausa root word, “Yarba,” which means dishonest trader (see Isichei 1983). The “rousing” of ethnic identification and interest has also been perceived as the underlying motivation for nearly all the nationalist movements that emerged across Africa in the early parts of the twentieth century (Ofuasia 2024). Compelling as these ethnic identities and cultures

are for the primordialist, Kwame Appiah insists that “race and history and metaphysics do not enforce an identity ...” (Appiah 1992, 176). In places where these seem to wield influence, what persists are nothing but “invented histories ... invented cultural affinities” with perhaps a fortuitous yet undisclosed agency “that has to be scripted, structured by conventions of narratives to which the world never quite manages to conform” (Appiah 1992, 173).

Unfortunately, the primordialist emphasis on the power of ethnic identity and interest serves as one of the potent tools that armed groups explore to recruit their rank and file irrespective of the climate. In the case of IPOB it was the realisation of the Republic of Biafra. For Boko Haram, it is eradication of western education and full institutionalisation of Sharia law in Nigeria. For Palestine, it is the resistance against Israel’s claim to the Gaza Strip and neighbouring territories. The identity erected by this group is fortified by primordialist claims. However, their interests or motives are arguably better comprehended using instrumentalist theory.

For instrumentalists, focus is on the actions of community leaders “who used their cultural groups as sites of mass mobilisation and as constituencies in their competition for power and resources, because they found them more effective than social classes” (Smith 2001, 54). The principal argument of the instrumentalists is opposite to the position of the primordialists. For instrumentalists, conflicts cannot be explained from the ethnic perspective alone (Oyekan and Ofuasia 2017). They maintain that there must be political motivations, with personalities who stand to gain from the existence of conflict. When one looks at the activities of terrorist groups in Africa such as Boko Haram and Al-Shabaab, they seem to validate the instrumentalist theory as the terrorist activities carried out affect even their fellow Muslims and ethnic groups. Terror, for these groups, pays no respect or attention to the tribe but rather political interests or ends.

Having established these two ways of codifying terrorism as a concept, this study’s use of the term “terrorism” is adopted from Bryan Price’s (2012, 9) depiction of terrorist groups as communities that are made up of individuals who are motivated to intentionally employ violence for political reasons in order to cause a psychological effect on not only innocent victims but others who are not direct victims. The essence of this discourse, then, is to focus on the organisational character of terrorist groups to be able to critically engage the extent to which the decapitation strategy of Nigeria, the United States and Israel can be adjudged as fruitful or otherwise.

Scholars such as Price (2012) and English (2016) have cited the persistence of terrorist activities in the world as demonstrative of socio-political motivations. The angle to the argument we shall be looking at is not that of religion but foreign policy; this is where the USA’s strategy of decapitation, which has also been recommended to Nigeria, Israel and other countries, becomes important. What, then, it may be asked, is the over-riding feature of the decapitation tactics of the United States in the war on terror?

In simple terms, a decapitation tactic or strategy is an approach to counter-terrorism that involves, mainly, the killing or capturing of terrorist kingpins or leaders of a terrorist group (Price 2012). Price (2012) argues that although it is an approach that is used by several states, it is especially common with the United States of America and Israel. Decapitation could come in three major forms: (1) killing the leader(s) of a terrorist cell; (2) capturing the leader(s); and (3) capturing and then killing the leader(s). The fundamental argument has usually been to establish that the killing or capture of the

leadership of a terrorist group is synonymous with the popular saying: “Strike the shepherd and the flock will scatter.” As Daniel Byman (2006, 103–104) holds, decapitation tactics aim to disorient and disorganise a terrorist group’s structure, which will also deter its members from assuming power. Hence, when the leadership chain of a terrorist group is cut off, the vacuum created by the lack of an organised chain of command and leadership will lead to the end of that terrorist group. The United States has used this strategy against terrorist groups such as Al-Qaeda, the Islamic State of Iraq and the Levant (ISIL), the Haqqani Network, and Al-Shabaab among others. The extent to which this approach to fighting terrorism may be said to be successful has divided scholars.

On the one hand, some maintain that the strategy is productive and commendable (see Jordan 2009; Pape 2003). These scholars have cited the claim that the application of the decapitation tactics has led to the weakening of the Kurdistan Workers’ Party and the Shining Path in Peru (Price 2012). Even when there have been serious concerns over the ethics of decapitation and targeted killings, it has been found that there has been a steady increase in these efforts since the Obama administration (see Miller 2011). Targeted killing can be “transnational” and is less concerned with the sovereignty of states. A renowned instance where targeted killing was employed even against an American citizen is that of Anwar al-Awlaki, who was living in Yemen (Price 2012). Al-Awlaki was hit by a missile from a United States-operated drone in Yemen, and he died instantly (Mazzetti, Shmitt, and Worth 2011).

Essentially, scholars who endorse targeted killing and decapitation tactics argue that it has contributed to the near-collapse of terrorist structures. This is the argument provided by Price (2012, 37), whose research, following a detailed study of reliable data, holds that “terrorist groups that experienced the loss of a leader had higher mortality rates than those that did not.” Price (2012, 44) concludes:

States that are willing to employ leadership decapitation as part of their counterterrorism strategy should target group leaders as early as possible and allocate their resources accordingly ... The findings suggest that states can hasten a terrorist group’s demise by exploiting intra-organisational rifts and removing the leader either through shaming or by pitting one group faction against another.

Price (2012) is not the first to arrive at the above conclusion; Brachman and McCants (2006) and Brown (2007) articulated much the same. Price’s conclusion (2012) is based on data and statistics on how the decapitation tactics have proven to be reliable and effective.

In the face of these seemingly convincing arguments, there is, however, a consideration of the morality of decapitation tactics. The position of those who are sceptical holds that it is morally wrong, and that rather than diminish terrorism, it is actually more likely to escalate it (see Kaplan et al. 2005; Cronin 2006), even if it is a tactic (or even a strategy) that has been seen as very useful, for the United States and Israel especially. Concerning the case of Israel, David (2002, 8) contends that, “no compelling evidence exists that targeted killings have reduced the terrorist threat against Israel.”<sup>1</sup>

If being the leader of a terrorist group is a crime that constitutes an offence against a state and its citizenry, it is worth asking what goal decapitation seeks to attain if not prosecution of the offender for the sake of deterrence. Has the decapitation strategy

succeeded in this guise? The answer seems to be to a large extent negative, at least in the countries and cases dealt with in this study.

### **Escalation of terror and the question of deterrence in the decapitation strategy**

There was a general assumption that the death of the notorious leader of Al-Qaeda, Osama bin Laden, would bring an end to the activities of the terrorist group. As this section will show, contrary to the argument of Price (2012), it seems not to matter whether the leadership of a terrorist group is eliminated at the early or mature stage of its operational life. What is usually overlooked is the fact that the deaths of terrorist leaders may be faked or even lead to the members of the group being assimilated into another terrorist group with a similar ideology. It is over a decade since president Barack Obama announced the death of the renowned Al-Qaeda leader, Osama bin Laden, on May 1, 2011 (White House 2011). Despite the death of Osama bin Laden, the terrorist group has arguably only grown in influence across the world, with strong networks with ISIL and other terrorist groups in Iraq, Syria, and the Maghreb, and with Boko Haram and Al-Shabaab in northern Nigeria and southern Somalia respectively (Bacon and Muibu 2019). Studies have served to establish how Boko Haram has engaged in steady terror-related activities in the northern parts of Nigeria and beyond since 2011, the year that Osama bin Laden was killed in line with the decapitation policy of the United States. Judging from the activities of Al-Qaeda and its arrays of terrorist networks, it seems that the activities of a terrorist group are not severely altered or diminished due to the death of the leader or the leadership cadre. Even if they may be altered in the short term, in the long term, the group finds a way to bounce back. In other cases, groups like Boko Haram, Al-Shabaab, and ISIL seem to draw inspiration from these “decapitated heads” to continue their jihad against the perceived enemies of their religious and political views.

There are instances where the death of a terrorist leader may even command enigmatic reverence. This is the case of Boko Haram’s Abubakar Shekau, whose death continued to be a subject of speculation, indicating that he might even be alive (see Iyora 2021). The death of Shekau has been reported at least four separate times since 2009 by the Nigerian Army, only for him to resurface with a video message mocking the Nigerian government and debunking rumours of his death (see Paquette 2021).

It has been speculated that since these terrorist groups have been able to establish a network that cuts across states, regions, and continents, the decapitation tactics, rather than mitigating terrorism, will lead to its proliferation since terrorist groups can easily shift the centre of their operation from one country/region to another – due to the internationalisation of terrorism – whenever they feel challenged in one territory. This is not unlikely since, according to Iyora (2021), if it is truly the case that Abubakar Shekau is dead, it is likely that most Boko Haram members will simply move on to join ISWAP, an affiliated terrorist group with a similar ideology. A crucial point to note is that the elimination of Abubakar Shekau was conducted during armed conflict, and there was no opportunity for him to be arrested and tried in the court of law.

Abubakar Shekau was not the original leader or founder of the terrorist group. Following the killing of its original leader Muhammad Yusuf in 2009, again in line with the

decapitation strategy, one would have expected that the activities of Boko Haram should simply come to an end. However, this was not the case. Rather, the group split into two factions and multiplied its rank and file (Thurston 2018). In addition to this realisation, the terrorist group did not restrict its activities to northern Nigeria alone. As Backstrom (2019, 2) correctly notes, from 2015 onwards, the Boko Haram insurgency “spilled into the neighboring countries of the Lake Chad region, specifically Niger, Cameroon and Chad. While Boko Haram had previously retained a presence in these countries, their activity within them increased after the group announced their commitment to jihad in 2009.” Its expansion into more countries gave birth to internalisation and expansion of the reach of its reign of terror.

In a nutshell, the application of the decapitation tactics to Nigeria’s battle against Boko Haram has not been able to prove decisive. Rather than bringing an end to the influence of Boko Haram in the region, it has escalated and rendered the leadership of the terror group amorphous.

At this juncture, a critic may contend that the illustration offered (i.e. Boko Haram) is based in Africa with its unique primordial and instrumentalist backgrounds, and that the success stories of the Kurdistan Workers’ Party and Shining Path are more compelling. Therefore, we ought not employ this African paradigm to discredit the efficacy of the decapitation strategy. *Prima facie*, this objection is apt because the case of Boko Haram is indeed restricted to northern Nigeria and her neighbouring countries, and our study here is indeed geographically limited. When the cases of prominent entities like the Afghan Taliban, Al-Qaeda, ISIL, Haqqani Network, and Hamas are considered, the efficacy of the decapitation strategy may have to be reconsidered. Due to space-time limitation, we limit our second example to Hamas.

Hamas is a concept which refers to zeal, fervour, or even exaltation (Filiu 2012). It is an acronym for the Islamic Resistance Movement (*Ḥarakah al-Muqāwamah al-ʾIslāmiyyah*), a Palestinian Sunni Islamist group domiciled in the Gaza Strip as far back as 1988 (Abu-Amr 1993). However, its origin may be traced to 1987 in Gaza following the Palestinian uprising, or intifada. It is also important to add that there are reasons to trace the origin of Hamas even further than in 1987. Jean-Pierre Filiu (2012, 54) holds: “While the movement itself claims an unbroken militancy in Palestine dating back to 1935, others credit post-1967 maneuvers of Israeli Intelligence for its establishment.”

The group mixes Palestinian nationalism with Islamic fundamentalism as the basis of its operational ideology (Abu-Amr 1993). Operating mainly in the Gaza Strip, it has an extended network of affiliates in the West Bank, Lebanon, Iran, and some Arab countries including Turkey. Hamas claims that its key conflict is connected to the Zionist project but does not have any protracted enmity toward Jews. Nevertheless, it has claimed responsibility for terrorist activities against Israel. Its most recent terrorist act occurred on October 7, 2023:

Hamas led a surprise assault against Israel that killed some 1,200 Israelis and foreign nationals (including 46 Americans) and took around 251 persons hostage (including some Americans) – more than 100 of whom were released in November. The attack’s scope and lethality were unprecedented for Hamas. The ensuing conflict, which has reportedly killed more than 42,000 Palestinians in Gaza, has reshaped Middle Eastern dynamics, with implications for U.S. policy and Congress. (Zanotti 2024, 1)

It needs to be recalled that before 2023, Hamas had already been branded by the United States, in 1997, as a foreign terrorist organisation (FTO). Again, the usual approach is then to apply the decapitation strategy: “Strike the shepherd and the flock will scatter.” In July 2024, Ismail Haniyeh is said to have been eliminated by Israeli authorities (Zanotti 2024). In the same month, an airstrike engineered by Israel against Gaza led to the demise of Mohammad Dief (Zanotti 2024). In October 2024, Yahya Sinwar, said to be one of the architects of the October 7 attacks (alongside Mohammed Deif) and the leader of *Hamas* in Gaza since 2017, was killed by Israeli soldiers (see Zanotti 2024). Various leaders and prominent members of *Hamas*, following the decapitation tactic, have been “retired” (see BBC 2024). Despite this, it is clear that, just like the instance of *Boko Haram* in Northern Nigeria, “With much of Hamas’s top officials killed, questions surround the movement’s future. *It has persisted despite the Israeli assassinations of several of its other leaders over decades ...*” (Zanotti 2024, 1, emphasis added).

The decapitation strategy aims to inspire deterrence, thereby leading to the weakening and possible end of the group. However, in 2024 alone, Yahya Sinwar (in October), Mohammed Dief (July), Ismail Haniyeh (July) and Marwan Issa (March) are top figures of *Hamas* whose death ought to have struck fear and deterred future members from joining Hamas or halting terror and terrorist-related activities. Yet, the opposite seems to be the case. Israel continues to carry out airstrikes on Gaza, due to its conviction that the decapitation strategy is the best way to suppress *Hamas*. These continued strikes have attracted global scrutiny, with Amnesty International accusing Israel of genocide in Gaza (see McCready et al. 2024). Innocent victims and citizens of other nationalities have also experienced the negative impact of Israel’s principle of the decapitation strategy in the Gaza Strip and Lebanon.

The kernel of the analysis conducted thus far shows that decapitation tactics could end up being a tool for the proliferation of terror, not the solution or strategy to end it.

The next point to consider is in response to the question of the *punitive* intentions of eliminating the leadership of terrorist groups. To provide a robust answer, it will be important to first establish a connection between crime and punishment as moral issues, as well as what aim(s) the elimination of terrorist leaders seeks to achieve.

In a discussion of the meaning of crime, the lexicographer Bernard Cayne (1992, 229) establishes crime as “a violation of law, especially a serious one.” As an offender-centred concept, punishment, on the other hand, means “to cause [an offender] to suffer for some offence committed” (Cayne 1992, 810). In a related discussion, Ten (1987, 366) defines punishment “as a deprivation, taking away from offenders what they value – their freedom, or some of their money when they are fined.” For this reason, Hsin-Wen Lee explains that regardless of whatever theory of punishment one believes in, at the centre of all forms of punishment is inherently the imposition of constraints on “the rights of offenders – to life, liberty, or property” (2018, 339). In the case of the terrorist, punishment, then, is seen as necessary for countering the masterminding activities that lead to the loss of properties and lives of innocent persons for some cause that the terrorist finds to be overriding. It is instructive to add that there are different theories of punishment: deterrence, desert/retribution, reformatory, and compensatory. For this study, only the first will be considered and explored to deduce why the decapitation strategy, being a form of punitive approach, has not yielded deterrence, using Jeremy Bentham’s theory as a cue.

Jeremy Bentham ([1802] 1995) endorsed the deterrent approach to punishment. Although this approach is commendable it is not without its limitations. Nevertheless, the deterrent theory of punishment is not short of followers. The act that takes away the power to commit future injury, which is central to achieving deterrence, is called *incapacitation*. The latter is built upon the idea that fear should be the primary object of punishment. For adherents of this approach, only fear can inspire deterrence backed by the awareness of the consequences that “crime doesn’t pay.” Bentham’s aim was to treat the offences committed in the past as an act of the past that should be used as an opportunity to punish and preferably also educate offenders in such a way that future offences could be prevented.

Using this understanding of deterrence on the decapitation strategy, it is clear that there is limited deterrence at play. As mentioned earlier, the attempted or actual killing of the leader(s) of terrorist groups has in the cases we have looked at either led to “death-faking” on the part of the terrorist groups to maintain the rank and file, or initiated a process of amalgamation with other terrorist groups with similar ideologies. The death of Boko Haram leader Abubakar Shekau, for example, has not reduced the group’s operational efficiency and violent activities. On the contrary, the negative impact and influence of Boko Haram have continued to grow in northern Nigeria and neighbouring countries.

Furthermore, we argue that the decapitation policy recommended to countries like Nigeria and Israel by the United States of America is unsuccessful because it fails to achieve one of the primary purposes of punishment: It neither inflicts significant pain nor deprives perpetrators of terrorist acts of something which is of great value to them, for example, their freedom, possessions, and associations. What pain or deprivation does the death of Abubakar Shekau, Yahya Sinwar, Mohammed Dief, and Anwar al-Awlaki inspire when there are thousands of trained rank and file ready to fill their “vacancies”?

In short, they may be well aware that their lives can be cut short at any moment and even organise provisions or plans for their demise. This is especially true when we consider the fact that most terrorist groups eulogise and valorise death and often see any such leadership decapitation as an act of martyrdom. Consequently, rather than inflict pain to ensure deterrence, the decapitation of terrorist leaders can serve as a springboard for mass mobilisation for some terrorist groups to further the activities of the group as a sign of respect to their martyred leaders. While targeted killings might prevent the leaders of terrorist groups from carrying out future attacks as individuals, such killings can also embolden members of the targeted group to engage in retaliatory killings as a way of avenging the death of their “retired” leaders. This often leads to a cycle of violence, with innocent civilians left to suffer as the primary victims of such tit-for-tat attacks between the (state) military and terrorist groups or non-state actors. The October 7 attack is arguably a good case in point.

To the question of the moral justification for killing criminals – in this context, terrorist leaders – without a fair trial in a competent court of law, and the possibility of undermining the existence and purpose of the criminal justice system as the supreme arbiter in matters of reward and punishment, this approach to counterterrorism is also problematic.

Morality (or ethics) is primarily concerned with good and bad conduct and justifications thereof. For the most part, morality imposes certain restraints on individuals – and states – to act in ways that respect fundamental human rights and the dignity of all persons in matters of interpersonal affairs. Amongst other things, this includes not treating humans as a means to some desired end. In the context of decapitation tactics, targeted/extrajudicial killings as a counterterrorism strategy, *prima facie* treat terrorist leaders as a means to the state's end of deterring others from committing acts of terrorism, rather than punishing them for their offences against the state. By failing to subject terrorists to the due process of trial before a competent court of law, the state also applies a principle of inequality before the law to some offenders which tips the scale of justice in favour of terrorists as these individuals never get to answer for their crimes. Most importantly, the decapitation strategy can be said to serve the terrorists more than their victims as most terrorists openly profess their expectation and preparedness for death. Thus, by killing them, the state unintentionally serves their goals and denies victims of terrorism proper accountability.

For these reasons, we argue that it is morally unjustified to kill criminals without subjecting them to a fair trial before the criminal justice system. This argument is motivated by our conviction that denying criminals – irrespective of their offence against the state or other individuals – equal opportunity to a fair hearing/trial and accountability before a court of law constitutes a moral wrong by the state. If the law exists to try criminals who have committed an offence against the state and the state refuses to try them according to its laws, then the state is guilty of violating the moral basis and justification of its laws. In this sense, the state, through targeted killings without trials, is guilty of breaking its promise to uphold the social contract that forms the base of the modern contractarian society. In addition, breaking promises, or acting according to an unequal principle that the state would not will into a universal strategy for fighting crime, is morally condemnable.

Consequently, we infer that targeted killings further violate the human rights of terrorists to a fair trial before a court of law. The violation of the human rights of these offenders in pursuit of some greater good cannot be morally justified, especially if the primary grounds for the moral violation is to deter others rather than making them answerable for their crimes. If serial killers and mass shooters, for example, are not subjected to extrajudicial killings by the state as a matter of policy for being guilty of similar crimes as most terrorists, then, it seems difficult to justify why the state should treat them differently from terrorists whose crimes both involve mass murder and the expansion of terror across a population. Merely killing terrorist leaders to send a “signal of deterrence” to their cells is treating them as a means to an end. Deontologists such as Kant (2002) would argue that such an approach to counterterrorism is morally reprehensible, since it uses the terrorists as a means to an end – the means itself (i.e. targeted killing) is morally unjustified irrespective of the positive end that might result from such violations.

Furthermore, the decapitation tactics and strategy call into question and ultimately undermine the purpose of the criminal justice system by failing to maximise the utility of a country's legal systems of trying offenders and obtaining legal and fair convictions before carrying out its executions. Although there are instances where these terrorist leaders are citizens of other countries, which might make it difficult for them to be arrested and brought before the court for trial, we shall return to this particular case.

In the meantime, we contend that the targeted killing of terrorist leaders is morally wrong because it undermines the criminal justice system and violates the principle of equality before the law. The negative cost of such killings – one of which is the proliferation of terrorist groups – even if they are sanctioned by the courts, in our view far outweighs any benefit that the state might provide as a justification for the adoption of decapitation tactics as an approach to counterterrorism.

None of the foregoing arguments aims to make a case for the *total elimination* of the decapitation tactics. In a world where some international criminals and personalities are wanted for homicides, genocides, and crimes against humanity, targeted killings should, however, metamorphose into *targeted trials*. Abubakar Shekau, Yahya Sinwar, Mohammed Dief, Anwar al-Awlaki, and similar leaders of armed groups should, when possible, be apprehended and brought to trial. They deserve to be heard, judged, and punished. This approach to the decapitation strategy seems fair and open. The hurried manner through which targeted killings work may even inspire conspiracy theories that the state is willing to quickly cover up its “involvement” so that it will not be implicated by possible confessions of the leaders of these armed groups. (This is not totally misplaced since the study of Filiu (2012) is open to the claim that aside from being a militant group in Gaza, Hamas cannot be completely ruled out as an Israeli tool for justifying Israel’s presence in the Gaza Strip and the West Bank.) Another reason why targeted killings should metamorphose into *targeted trials* is the fact that the price that innocent victims pay in the attacks and reprisal efforts to combat and comb out targeted leaders of terrorist cells far outweighs the peace and deterrence which are sought.

A critic might reasonably say that the question as to whether decapitation strategies work is largely a question of the individual case and its merits. In cases where one or more terrorist leader(s) with great power, who is/are responsible for terrorist actions, can be identified and either killed or captured, this could indeed affect the effectiveness of the group in question. Our research indicates, however, that the decapitation strategy, as adopted by Nigeria, the United States and Israel in their counter-terrorism efforts against Boko Haram and Hamas, has failed because its claims do not hold in practice. Also, there is no legal justification to continue to explore this approach as it is currently practised, since it does not offer the option of fair trials to these terrorists as they are presumed guilty outside the court of law and struck dead, as was the case of the United States citizen, Anwar al-Awlaki, who was killed by his country in Yemen. Not only does this act undermine the sovereignty of Yemen as a country, it calls into question the validity of this approach to eliminating criminals since their demise seems not to have contributed to a plummeting in global terrorism.

Another likely objection is that while the lack of a full trial is indeed a moral problem, in cases where a terror cell is active in armed attacks, and its perpetrators are not citizens of the country pursuing them, it is not feasible or possible to apprehend them peacefully. If so, it may be justifiable to see them as soldiers who may be targeted and killed as part of an armed conflict or armed battle, that is, as combatants whose actions can be stopped only through armed attack.

It is true that Yahya Sinwar, Mohammed Dief, and Maalim Ayman were neither citizens of the United States nor Israel, yet these are the countries that “decapitated” them because of the threats they posed, in the hope that it would deter future terrorists. In active combat, as in the case of the battle against ISIL in Iraq and Syria, these terrorists

are in a way soldiers if not mercenaries, so in line with the argument of our critics, we respond that they may be killed as legitimate targets in wars as armed combatants. However, the objection fails to take cognisance of the innocent victims, who are sometimes civilians or other nationals who are caught in the cross-fire when airstrikes and bullets are exchanged in an area or building believed to house the target who is marked for death. Could this not be one of the reasons why Amnesty International is pressing the case against Israel (as per McCready et al. 2024)? Surely, the number of innocent lives lost due to the efforts of eliminating terrorist targets lacks moral and legal justification. This is why on 21 November 2024, the International Criminal Court (ICC) at The Hague issued an arrest warrant for the Israeli Prime Minister, Mr Benjamin Netanyahu and his former Defense Minister, Mr Yoav Gallant, for “crimes against humanity and war crimes committed from at least 8 October 2023 to at least May 2024” (see Aljazeera 2024). The same warrants also greeted a prominent leader of Hamas, Mr Mohammed Diab Ibrahim Al-Masri (Deif). However, Mr. Deif is not alive to answer for his crimes in The Hague. We will not here go into detail on these cases, but hold that the cases serve as a reminder that decapitation strategies often have very high costs.

## Conclusion

Our research study has been dedicated to answering questions concerning the success of the decapitation strategy employed by Nigeria, the United States, and Israel in their counter-terrorism efforts. Some scholars have lauded this approach and even provided statistical evidence defending the position that the decapitation strategy has been able to reduce terrorism. With the instances of “death-faking,” absorption, and inter-continental networks that are now replete among terrorist cells, we contend that the decapitation strategy – aimed at deterrence – is a failure. Also, we defend the position that it is in most cases morally unjustified to kill criminals – in this context, terrorist leaders – without a fair trial in a competent court of law, when possible. We endorse the outlook that targeted killings must be overruled by targeted trials. We argue that targeted killings undermine the existence and purpose of the criminal justice system as the supreme arbiter in matters of reward and punishment. While the decapitation strategy has been projected to provide a reliable framework for reducing and even eradicating the emergence of terrorist groups, it has led to the opposite: escalation of terrorist activities, at least based on the ways in which Nigeria, the United States, and Israel have deployed it. A rethinking of a more robust approach to the fight against terrorism is needed.

## Note

1. While the morality and statistics of the decapitation tactics are being questioned by some scholars, English (2016) takes another perspective by inquiring about the motivations for terrorism in the first place. He asks whether the use of terror by terrorist groups to press their demands works. He is sceptical about whether the “operational victories,” tactical coups, and political concessions to terrorist groups can qualify as success stories for them. Even when he admits that the answer to the question cannot be answered with a direct affirmation or negation, he maintains that the ambivalence is related to the fact that from the case study of Al-Qaeda, jihadist-motivated terrors are morally unfathomable,

contradictory, and uncivilised (English 2016). In his assessment, Hawes (2017, 275) emphasises the importance of re-considering the influence of “the radicalization process which seems to be an important part of the modern armoury of jihadists. Extreme imams, quietly working on the most vulnerable and ill-educated young members of their flocks, promising them glory and eternal life in the next world in the sure and certain knowledge that the god they worship will reward them, are an insidious cancer in societies trying to be inclusive and multi-cultural.”

## Disclosure statement

No potential conflict of interest was reported by the author(s).


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