

Is Assassination of the War Criminal Putin Justifiable?



by Michael Curtis

If it were done when 'tis done, then 'twere well if it were done quickly. It the assassination could trammel up the consequence, this blow might be the be-all and the end-all.

On March 16-17, 2022, the Jewish holiday of Purim was celebrated. The festive occasion commemorates the historic occasion more than 2000 years ago when the Jewish Queen Esther with heart and spirit, and aided by her relative Mordechai, overcame the villainous plot of the evil government minister Haman to annihilate all the Jews, young and old, men, women and children, in the Persian empire, and thwarted his planned destruction of her people.

By coincidence, on the same March 16 day, Volodymyr Zelensky spoke of his efforts to prevent the destruction of his people.

In an emotional and fascinating speech to a joint session of U.S. Congress, the Ukrainian president showed the same spine as Esther in his defense against the evil war criminal

Vladimir Putin not only of his own people but of basic human values. By his extraordinary courage and devotion to the principle of freedom, Zelensky can be rightfully be heralded as the leader of the free world.

Nothing was said by Zelensky about the fate of Putin either now or after the Russian aggression is over. By general agreement Putin should be treated as a war criminal and accordingly punished. More controversial and rarely voiced in public is the case for Putin to be assassinated.

On March 15, 2022, the U.S. Senate voted unanimously to condemn, strongly, the violence, war crimes, crimes against humanity being committed by Russian military forces, and declared that Vladimir Putin was a war criminal. It called for him to be investigated for his crimes. But neither the Senate, nor any government official accepted in public the view of Senator Lindsay Graham that the best solution to end the unprovoked Russian aggression Russia against Ukraine was the assassination of Putin by a Russian individual. The proposal was regarded by Senator Ted Cruz, among others, as an "exceptionally bad idea."

Historical reflection might be helpful in dealing with this controversial issue of assassination. Graham had pointedly asked is there a Brutus in Russia? Is there a more successful Colonel Stauffenberg in the Russian military? If there is such an individual in Russia, he would be doing his country and the world a great service by this act of assassination of Putin.

The memory of Graham's two persons is still potent. By coincidence, an auction is taking place in March 2022 in London of a 2,000-year-old coin marking the assassination of Julius Caesar on March 15, 44 B.C, the Ides of March. One side of the coin depicts the face of Caesar's former friend Brutus, one of the main conspirators who stabbed Caesar 23 times. The other side shows two daggers representing Brutus and Cassius, and a cap of liberty, portraying the overthrow of

a tyrant. Brutus remains the embodiment of a complex, tragic, morally upright hero. His name was evoked by the sixteenth-century anonymous writer Stephen Junius Brutus who in his *Defense of Liberty* 1581 wrote that the prince who acts for his own profits and pleasures and condemns and perverts all laws may be called a tyrant.

Colonel Claus von Stauffenberg was a German army officer, a member of a group of military officers who attempted a coup, Operation Valkyrie, to assassinate Adolf Hitler. On July 20 1944 he placed a bomb at Hitler's headquarters the Wolf's Lair, in East Prussia, which failed to kill Hitler. Stauffenberg and his colleagues were shot a few days later. If an imperfect hero, Stauffenberg remains honored for recognizing the criminal character of Hitler and wanting to remove him.

Is there a Brutus or a Stauffenberg in Russia today? All indications are that Putin is protected by a very strong security detail, that he has a closed inner circle, and that access to him is strictly controlled. The question, however, is whether there is an individual or group, as brave as the two historic figures mentioned, presently in the Russian hierarchy of people from the intelligence, military, and security services who are prepared to act against Putin immediately or if the Russian aggression goes badly,

Assassination of leaders or prominent political personalities has been a virtual cottage industry with frequent occurrences throughout history and in many countries, though a distinction should be made between non-violent political leaders and those who personify uncivilized behavior in political or military matters or desire to acquire fame or notoriety. Among the long list of those who were assassinated for different reasons are the following important figures: Abraham Lincoln on April 15, 1865, Leon Trotsky on August 31, 1940, Archduke Franz Ferdinand on June 28, 1914, M.K Gandhi on January 30, 1948, J. F. Kennedy on November 22, 1963, and Anwar Sadat on

October 6, 1981.

In the last two decades a more euphemistic term, though not one defined in international law, "targeted killings," has been used, instead of "assassination" by the U.S. and Israel to explain and justify the killing of terrorists, such as Osama bin Laden in May 2011 by the U.S. Navy Seals, and, in September 2011, Anwar al-Awlaki, key organizer for al-Qaeda, in Yemen by a U.S. drone.

Assassinations, the killing of public figures for political purposes, have been officially banned in the U.S. since 1976, but equally combatants are legitimate targets. American action against terrorists, such as al-Qaeda, has been justified by reference to Article 51 of the UN Charter. This provides for the right of countries to engage in self-defense against armed attacks, to "take measures necessary to maintain international peace and security." On this basis targeted killings have occurred: Saddam Hussein in 1991, the commander of the Quds Force in the Iranian Revolutionary Guard Qasem Soleimani in January 2020, and an Israeli attack killed the head Iranian nuclear scientist Mohsen Fakhrizadeh in November 2020.

Can assassination be justified? Philosophers, historians, and moralists have differed. In his play *Just Assassins*, Albert Camus discusses the dilemma, involving ethics, humanity, and politics, of well meaning Russian social revolutionaries planning to assassinate the Grand Duke in 1905. The main figure Ivan Kaliayev proclaims he sacrifices himself to fight Tsarist tyranny, and to reduce the suffering of others.

Saint Thomas Aquinas held that killing the enemy sovereign was justified if it was in the common good. He rejected the argument that it would seem unlawful to kill men who have sinned. He answered that when the good is protected and saved by the slaying of the wicked, then the latter may be put to death, "a bad man is worse than a beast."

Hugo Grotius, the father of international law, wrote that while assassination was not permissible as an instrument of politics, self-defense is permitted in advance as well as in defense of an attack. It is permissible to kill an enemy who is ready to kill. However, Grotius also wrote that a distinction must be made between assassins who violate an express or tacit obligation of good faith and others.

The first official ban on assassination appeared in the Lieber code of April 24, 1863, issued by President Abraham Lincoln on how soldiers should conduct themselves in war time. The law of war does not allow proclaiming an individual belonging to the hostile army to be slain without trial by the captor. On the contrary, the law abhors such an outrage. The Lieber Code, article 148, states that civilized nations look with horror upon offers of rewards for the assassination of enemies, acts which relapse into barbarism.

Yet, there is a conflict between the law of war and the law of human rights. Executive orders were issued by three presidents, Ford in 1976, Carter in 1978, and Reagan in 1981 which essentially declared that no person employed by or acting on behalf of the U.S. government shall engage in or conspire to engage in assassination. Furthermore, later official statements are that assassination constitutes an act of murder that is prohibited by international law. However, the use of military force against legitimate targets in time of war, or against targets in time of peace does not constitute assassination or conspiracy to engage in assassination and would not be prohibited by international law.

The barbaric invasion of Ukraine indicates Putin can be held to be a legitimate target. Is there a modern version of Albert Camus's Ivan Kaliayev willing to act?