



Budapest Centre
FOR MASS ATROCITIES PREVENTION

Misuse of Artificial Intelligence: Occupied Palestinian Territories Case study

As a new piece of the Artificial Intelligence series¹ of the Budapest Centre for Mass Atrocities Prevention, this paper offers an insight on how the Israeli authorities apply tools of Artificial Intelligence (AI) in the Occupied Palestinian Territories by pointing to the significance and risks of using AI during conflict²—without wishing to provide an exhaustive and detailed list of challenges and their respective international activities. Our aim is to further engender the International Community’s political will to address these threats from the perspective of conflict escalation and mass atrocity crimes prevention.

The authors and the Budapest Centre hope that this research will prove useful in particular for young readers who wish to learn more about the ongoing conflict in the Occupied Palestinian Territories and the role AI plays in mass atrocity crimes.

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1. Background

- The current situation in the Occupied Palestinian Territories (the West Bank and Gaza) are marked by both an ethnic and territorial conflict involving the Israeli government (i.e., the occupying power) and its population; and the Palestinian government and its people, living in the occupied territories. In this context, the Palestinian people suffer from classification due to their ethno-national belonging⁵.
- The Palestinian population is forced to live under an institutionalized discriminatory system where Palestinian citizens suffer from unequal treatment⁶—which comprises systematic rights abuses, routine use of excessive lethal force against unarmed protesters and prolonged unlawful detention without charge or trial⁷, and other illegitimate burdens that limit their access to basic services⁸.

- Economic resources and opportunities are allocated to the detriment of the Palestinians, who also face the constant threat of forced evictions and **ethnic cleansing** from settlers. The policies of closure and enclosure of Palestinian territories adopted by the Israeli state have resulted in massive restrictions on Palestinians' freedom of movement due to the many checkpoints and roadblocks instituted. Plus, the displacement of goods is limited due to Israel's illegal air, land and sea blockade of the Gaza Strip⁹.
- Besides not being granted citizenship rights by the State of Israel, the Palestinian population is subject to collective punishment¹⁰ whilst the abuses committed against them are frequently not addressed by the authorities and remain outside the media's mainstream coverage. The Government of Israel exclusively and systematically takes the side of its own population by relying upon constitutionally anchored practices—which have been described as **apartheid**¹¹.
- The Israeli security apparatus uses a wide variety of artificial intelligence devices, aiming to surveil, control, police, militarize and manage every aspect of Palestinians' lives. Those tools¹² range from a newly-built national database created to store biometric data and the implementation of facial recognition software at the checkpoints with a brand new surveillance-camera network, set in the streets of the occupied territories¹³, to Lethal Autonomous Weapon Systems (LAWS). Through the (mis)use of these devices, not only do the Israeli authorities carry out their discriminatory policies, ultimately **criminalizing an entire national group, but it also enhances the asymmetry of the Palestinian Question.**

The (mis)use of these technologies is problematic because it may infringe a series of rights¹⁴, as follows:

- **Right to life:** These devices can pose new threats to the protection of the universal right to life and weaken the implementation of International Law and International Humanitarian Law, since armies that decide to adopt these instruments may be putting into machines the nearly autonomous decision on whether a person lives or dies. While the predominant view stresses that unmanned technological weaponry act with precision and minimizes casualties in conflicts, this point is highly debatable¹⁵.
- **Accountability:** These devices also erase the aspect of human agency in acts of political violence once they turn military operations into video games¹⁶, **dehumanizing** Palestinian civilians¹⁷, who may thus become no more than **a simulation of creatures that can be easily, freely, and unaccountably eliminated**, while perpetrators hold no legal responsibility for their actions. It must be noted that this happens to victims who already suffer from blatant racial profiling.
- **Rule of proportionality¹⁸:** Both the qualitative limitations regarding compassion, intuition, human judgment, common sense and the inability of LAWS to understand different inputs may lead to mistakes that humans could avoid¹⁹. Therefore, the use of these devices brings risks of arbitrary deprivations of life and a vacuum of moral responsibility²⁰.
- **Discriminatory and asymmetrical character:** A significant trait of contemporary technology is that it creates more distance between the persons who use weapons and the force generated by

those armaments²¹. This specific feature exacerbates the asymmetrical and discriminatory character of the conflict²², since the expensive unmanned systems deployed in the field easily penetrate the enemy lines, save human, logistic and financial resources.

- **Further concerns** relate to the way in which the use of LAWS spikes the level of anxiety within the occupied population, who feel constantly observed and endangered, while the legal framework behind targeted killings and unmanned devices has still to be precisely outlined²³.

2. The State of Play

It has been acknowledged by recent literature in the last years²⁴ that the Israeli authorities use the above-mentioned AI tools in the following domains: anthropomorphized weapons; monitoring and surveillance devices; and social media. In the subsequent sections, you can find some examples of how those instruments are imposed upon the Palestinian population.

2.1 Anthropomorphized weapons

- Under this category of weapons, both Unmanned Aerial Vehicles (UAVs, more commonly known as “drones”) and LAWS will be tackled. The latter holds advanced machine learning algorithms and artificial intelligence, human language and optical character technologies (which can comprehend human texts, transcribe audio clips and recognize texts in images)²⁵. They are also able to function independently in “situations as chaotic as armed conflict, and even more so when they interact with other autonomous systems”²⁶. This specific development is expeditiously creating what experts describe as a “smart battlefield” that ultimately will decide the future of war²⁷.
- Some examples of LAWS undertaken by the Israeli government include ammunitions and spice bombs with automatic target recognition²⁸; multilayered air defense systems²⁹; manned and unmanned armored vehicles³⁰, comprised those that can work in GPS-denied environments³¹; and special anti-ship missiles³².
- In order to stimulate the use of AI military technologies and keep the Israeli Defense Forces (IDF) up to date, Israel has been cooperating with the private sector, which **utilizes both the Gaza Strip and the West Bank as laboratories to test newly developed military and surveillance technologies**³³.

2.2 Monitoring and surveillance devices

- The Israeli security apparatus has been using a wide variety of AI devices that aim to surveil, control, police, and manage every aspect of Palestinians’ lives. For instance, a small UAV has been used to track indoors threats in Gaza³⁴; and small-size surveillance sensors have been attached to drones and other aerial vehicles in order to investigate, scan and target suspicious objectives³⁵.
- The military offices take photos and fingerprints of Palestinian migrant workers who need to enter Israeli territory. This data is connected to their electronic ID cards, which are scanned at border

checkpoints holding facial recognition technology. In this way, their face is matched to the document presented³⁶. Similar systems are not employed in checkpoints targeted exclusively at Israeli citizens.

- Those technologies do not only immensely strengthen the State’s occupational capabilities but, by being “field-tested in one of the worlds’ most demanding security environments”³⁷ they enjoy great economic value and are commercialized worldwide. In brief: **The Israeli government is actively profiting from the human rights violations it imposes on the Palestinians.**

2.3 Social media

- In the last decade—which has been defined as a “digital occupation”—Israel has repeatedly used social media platforms to foment hate speech and limit freedom of expression, specifically targeting Palestinians³⁸.
- According to the *7amleh-The Arab Center for Social Media Advancement’s*³⁹ annual report on violations of the digital rights of Palestinians, the Israeli Ministry of Justice submitted tens of thousands of requests to social media companies aiming to limit freedom of expression, impose censorship on Palestinian content (or the material that, according to the Israeli government, incites Palestinian violence). To do so, the State relies on specific strategies and tactics, such as the establishment of governmental and non-governmental agencies; the employment of Internet trolls; the undertaking of overt and covert operations and missions that not only work to remove material criticizing the state of Israel and its policies but that, most importantly, **aim to delegitimize Palestinian advocacy efforts, spread misleading information and incite hate speech against Palestinians**⁴⁰.
- As claimed by the same civil society organization, among social media companies, Facebook⁴¹ is the platform where most of the hate, discriminatory incitement, censorship and suppression takes place. Through applying Israeli policy regulations, the company allows the publication of hate speech and violent contents targeting the Palestinian population while deleting Palestinian contents (often labelled as “hate speech”, “incitement” and “terrorism”)⁴².
- **The Israeli social media policing system enables the state to identify suspects based on predictions provided by algorithms and not by actual evidence.** After having located the users, authorities proceed by censoring those users’ posts and pages, deleting their accounts, and sometimes arresting them. More specifically, thanks to this system, Israeli intelligence can hack into Palestinians’ accounts, gaining access to their private information and personal data, which can be used to extort, blackmail, and compel people into collaborating. What is more, according to the same report presented by *7amleh*, the techniques of the Israeli *NSO Group Technologies* (an Israeli technology firm) are also employed to spy—by gaining access to smartphones through WhatsApp—and then target journalists, activists, and human rights defenders⁴³.

3. International Response

The international community⁴⁴ has repeatedly voiced its opposition and disapproval of Israel's abusive and discriminatory practices in the Occupied Palestinian Territories. However, as of yet, insufficient attention has been paid to the (mis)use of AI technologies.

- In 2014, the then Special Advisers of the Secretary-General on the Prevention of Genocide, Mr. Adama Dieng, and on the Responsibility to Protect, Ms. Jennifer Welsh, declared that “the high number of civilian casualties, particularly among the Palestinians, could demonstrate disproportionate and indiscriminate use of force by the Israeli Defence Forces”⁴⁵, and that they “were equally disturbed by the flagrant use of hate speech in the social media, particularly against the Palestinian population”⁴⁶, where “individuals have disseminated messages that could be dehumanising to the Palestinians and have called for the killing of members of this group”⁴⁷.
- The deployment of LAWS has been addressed by the Human Rights Council in 2013⁴⁸ and 2018⁴⁹. Indeed, the 2013 *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions* stressed that “the current proliferation of asymmetric warfare and non-international armed conflicts, also in urban environments, presents a **significant barrier to the capabilities of LAWS to distinguish civilians from otherwise lawful targets**. This is especially so where complicated assessments such as “direct participation in hostilities” have to be made. Experts have noted that **for counter-insurgency and unconventional warfare, in which combatants are often only identifiable through the interpretation of conduct, the inability of LAWS to interpret intentions and emotions will be a significant obstacle to compliance with the rule of distinction**”⁵⁰. Israel's “Harpy”—a “Fire-and-Forget” autonomous and lethal robotic weapon system designed to detect, attack and destroy radar emitters was the only autonomous device mentioned⁵¹. It was also emphasized that “coming on the heels of the problematic use and contested justifications for drones and targeted killing, LARs [Lethal Autonomous Robotics] may seriously undermine the ability of the international legal system to preserve a minimum world order”⁵². Given these dangers, it was advised that “an inclusive process to decide how to approach this issue should occur simultaneously at the domestic, intra-State, and international levels”⁵³; that an “international body should be established to monitor the situation”⁵⁴, together with the creation of Moratoria and the convocation of an urgent High- Level Panel on LAWS.
- Plus, the 2018 *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression* stressed that States are obliged to guarantee freedom of expression. In order to make sure that private companies do not interfere in such freedoms⁵⁵, it was said that transparency should be enhanced by implanting bilateral projects with governmental bodies to counter illegal hate speech online⁵⁶.
- In 2019, OECD member countries approved the *OECD Council Recommendation on Artificial Intelligence* and adopted the *OECD Principles on Artificial Intelligence*—which are designed to promote the use of artificial intelligence without violation of human rights and democratic values⁵⁷.

- The *UN Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons*—whose goal “is to ban or restrict the use of specific types of weapons that are considered to cause unnecessary or unjustifiable suffering to combatants or to affect civilians indiscriminately”⁵⁸—has become the forum of choice to discuss the emergence of LAWS. Eight meetings were held since 2014⁵⁹ between the 123 country-members⁶⁰, who officially recognized the importance of maintaining human control over lethal force and discussed the increasing ethical and security challenges connected to the advancement of research on LAWS. **The risk is that the extremely rapid development of these technologies will be faster than a multilateral response to the issue**⁶¹. And indeed, due to the utterly polarized discussion⁶² over the topic, no consensus has been reached and **no concrete legal document has been delivered**.
- In 2019, the *Association for Progressive Communications (APC)* and *7amleh - The Arab Centre for Social Media Advancement* presented a statement to the *Human Rights Council* 40th session in which they stressed the **necessity to raise awareness regarding Israel’s mounting body of laws that violate Internet freedom, freedom of expression and right to privacy of Palestinians**, often portraying entrenched racist and discriminatory views and restricting activities of Palestinian resistance and solidarity, aiming at their monitoring and surveillance⁶³.
- In the last couple of years, several partnerships⁶⁴ on technology and AI were proposed and established with the aim to “support the responsible and human-centric development and use of AI”⁶⁵, adopt common policies and global approaches and establish joint standards to be applied to new technologies. In 2020, Israel joined the *AI Partnership for Defence*, which focuses on the “grouping of like-minded nations designed to provide values-based global leadership in defence for policies on, and approaches to, adopting AI”⁶⁶.
- In April 2021, the *European Commission* put forward a proposal to establish common rules on artificial intelligence in order to regulate its use in a ‘robust, flexible, and future-proof way’. Four specific objectives were outlined: “ensure that AI systems placed on the Union market and used are safe and respect existing law on fundamental rights and Union values; ensure legal certainty to facilitate investment and innovation in AI; enhance governance and effective enforcement of existing law on fundamental rights and safety requirements applicable to AI systems; facilitate the development of a single market for lawful, safe and trustworthy AI applications and prevent market fragmentation”⁶⁷. The proposal also comprises a methodology for the definition of “high-risk AI systems”⁶⁸, which “will have to comply with a set of horizontal mandatory requirements for trustworthy AI and follow conformity assessment procedures”⁶⁹. Undoubtedly, the document is of strategic importance. Nevertheless, it fails to give a response to the use of AI during conflict, since “AI systems exclusively developed or used for military purposes”⁷⁰ were not included in the scope of the regulation, once they would be under “the exclusive remit of the Common Foreign and Security Policy regulated under Title V of the Treaty on the European Union (TEU)”⁷¹.
- Several international NGOs and think tanks have also voiced their concern over and opposition to the use of LAWS—within and outside the UN framework. In particular, the *Campaign to Stop Killer Robots* (a global coalition of NGOs) was founded in 2012 aiming to fully ban LAWS. It also advocates for the establishment of a legally binding treaty that ensures the maintenance of

human control over use of force⁷². In 2015, the *Future of Life Institute* proposed an open letter which firmly condemned LAWS that—as of 2019—had been signed by over 30,000 people. Plus, the *International Committee of the Red Cross*⁷³, the *Stockholm International Peace Research Institute*, the *Chatham House*, the *Harvard Law School Program on International Law and Armed Conflict*, *Human Rights Watch*⁷⁴, the *International Committee for Robot Arms Control*, *Article 36* and *Amnesty International* have been praised by the UN for using their extensive expertise to provide “substantive contributions”⁷⁵ to the advancement of the discussion.

4. Conclusion

- The *Group of Governmental Experts (GGE)* of the *Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons (CCW)* is the only UN intergovernmental forum with the intention to monitor the advancement and deployment of LAWS⁷⁶. Its conferences encourage “international cooperation in the field of dissemination of the Convention and its annexed Protocols and recognizes the importance of multilateral collaboration relating to instruction, the exchange of experience at all levels, the exchange of instructors and the organization of joint seminars”⁷⁷. However, the attempts to establish a universal, legally binding, regulation on the use of LAWS have been significantly compromised by a lack of consensus among countries over a definition of those systems⁷⁸ and over how to regulate them according to both their national interests and the rules of International Humanitarian Law⁷⁹.
- **The misuse of AI devices by the Israeli government constitutes a violation of a series of international and human rights** (right to life, the proportionality principle, right to privacy, citizenship rights, freedom of movement, to quote only a few). It also contributes, in different degrees, to some of the 10 stages leading to genocide, e.g. **classification, symbolization, discrimination, organization, preparation, invisibilization, and dehumanization**, while simultaneously deteriorating perpetrators’ accountability for these actions.
- The UN and other major international actors have indeed acknowledged and, on limited occasions, critically mentioned, the overall discriminatory, oppressive and illegal practices connected to the use of military and non-military AI devices against the Palestinians by the Israeli government. However, the matter has still been scarcely documented and these abuses have not been effectively and cohesively dealt with by the international community.
- The above-mentioned AI partnerships and alliances seem to be directing the international community towards a divergent and fragmented approach, thereby rendering **AI policies and strategies fragmented instead of reflecting universal considerations**. In this sense, those member states that are more able to efficiently integrate and adapt the use of AI tools to their military arsenal might obtain decisive influence and play “a dominant role in developing the norms, standards, and doctrine for AI use and help set an alliance’s AI strategy”⁸⁰. Ultimately, **there is a risk that universal human rights values will be underplayed for the sake of national interests**.

5. Recommendations

In this light, the Budapest Centre for Mass Atrocity Prevention suggests that:

- The *UN Security Council* sets on its agenda the use of AI devices in the context of conflict and other situations of violence and generates a procedure leading to the adoption of a legally binding international document.
- The *UN High Commissioner for Human Rights* prepares a report on the human rights violations taking place in the Occupied Palestinian Territories due to the misuse of AI devices.
- The *Palestinian National Authorities* present a report to *Arab Human Rights Committee of the Arab League (AHRC)* regarding the abovementioned violations in order to activate regional solutions for this utterly context-specific problem.
- The OECD investigates the compliance of Member States with the implementation of its *AI Principles*, especially in military settings, along the line with *Principle 1.2 on Human-centered Values and Fairness*, according to which “AI actors should respect the rule of law, human rights and democratic values, throughout the AI system lifecycle. These include freedom, dignity and autonomy, privacy and data protection, non-discrimination and equality, diversity, fairness, social justice, and internationally recognised labour rights. To this end, AI actors should implement mechanisms and safeguards, such as capacity for human determination, that are appropriate to the context and consistent with the state of art”⁸¹.
- The *European Parliament* and the *European External Action Service* look into the capabilities of EU institutions and Member States to apply AI in conflict environments, including situations at risk of mass atrocities.
- The common, concrete and specific principles on the use of AI technologies (now envisioned by different alliances) to be globally and universally shared, advanced and applied, instead of reflecting certain delimited political interests—given the considerable risks that an unregulated development and adoption of AI devices pose to a series of fundamental rights.⁸²

¹ See “The Rise of Artificial Intelligence: Risks from the Perspective of Mass Atrocities”, *Budapest Centre for Mass Atrocities Prevention*, September, 2020. https://www.genocideprevention.eu/files/AI_risks_article_FINAL.pdf; “The rise of Artificial Intelligence in the context of Mass Atrocities: Policies and Recommendations from International and Regional Organisations”. *Budapest Centre for Mass Atrocities Prevention*, November, 2020. https://www.genocideprevention.eu/files/AI_Organisations.pdf; “How AI can either exacerbate or prevent genocides: Reflection based on the 10 Stages of Genocide”. *Budapest Centre for Mass Atrocities Prevention*, February, 2021. https://www.genocideprevention.eu/files/10_stages_AI.pdf

² In the “Interim Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, UN Doc. A/65/321, August 23, 2010, pages 10-11”, Philip Alston (then UN special rapporteur on extrajudicial, summary or arbitrary executions) stated that the expeditious increase in the use of lethal autonomous technologies rose grave concerns that, as of yet, have not been properly addressed by humanitarian actors.

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⁵ Fields, Gary. "Landscaping Palestine: Reflections of Enclosure in a Historical Mirror", *International Journal of Middle East Studies*, Vol. 42, No. 1, Cambridge University Press, 2010.

⁶ In fact, these circumstances play an overwhelming role in the way in which economic resources and opportunities are allocated—to the absolute detriment of the Palestinians—amounting to limited educational opportunities, difficulties in undertaking economic activities (including entrepreneurship and employment), and, ultimately, unequal distribution of land due to the systematic support for the construction of illegal settlements in the occupied territories.

⁷ "Everything You Need to Know about Human Rights in Israel and Occupied Palestinian Territories". *Amnesty International*, 2020, www.amnesty.org/en/countries/middle-east-and-north-africa/israel-and-occupied-palestinian-territories/report-israel-and-occupied-palestinian-territories/; "Palestine: World Directory of Minorities & Indigenous Peoples." *Minority Rights Group*, Nov. 2020, www.minorityrights.org/country/palestine/.

⁸ Ibidem.

⁹ "Everything You Need to Know about Human Rights in Israel and Occupied Palestinian Territories". *Amnesty International*, 2020, www.amnesty.org/en/countries/middle-east-and-north-africa/israel-and-occupied-palestinian-territories/report-israel-and-occupied-palestinian-territories/; "Israel/Palestine." *Country Page, Human Rights Watch*, www.hrw.org/middle-east/north-africa/israel/palestine.

¹⁰ "Everything You Need to Know about Human Rights in Israel and Occupied Palestinian Territories". *Amnesty International*, 2020, www.amnesty.org/en/countries/middle-east-and-north-africa/israel-and-occupied-palestinian-territories/report-israel-and-occupied-palestinian-territories/; "Palestine: World Directory of Minorities & Indigenous Peoples." *Minority Rights Group*, Nov. 2020, www.minorityrights.org/country/palestine/.
Group, <https://minorityrights.org/country/palestine/>.

¹¹ See Dugard, J., and J. Reynolds. "Apartheid, International Law, and the Occupied Palestinian Territory." *European Journal of International Law*, vol. 24, no. 3, 2013, pp. 867–913., doi:10.1093/ejil/cht045; "A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution." *Human Rights Watch*, 2018, www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution.

¹² More detailed information and facts can be found here: Weitzberg, Keren. "Biometrics and counter-terrorism case study of Israel/Palestine". *Privacy International*. 2021 https://privacyinternational.org/sites/default/files/2021-06/PI%20Counterterrorism%20and%20Biometrics%20Report%20Israel_Palestine%20v7.pdf

¹³ See Ziv, Amitai. "This Israeli Face-Recognition Startup Is Secretly Tracking Palestinians." *Haaretz.com*, Haaretz, 15 July 2019, www.haaretz.com/israel-news/business/.premium-this-israeli-face-recognition-startup-is-secretly-tracking-palestinians-1.7500359; Solon, Olivia. "Why Did Microsoft Fund an Israeli Firm That Surveils West Bank Palestinians?" *NBCNews.com*, NBCUniversal News Group, 19 Nov. 2019 <https://www.nbcnews.com/news/all/why-did-microsoft-fund-israeli-firm-surveils-west-bank-palestinians-n1072116>; Brown, Hannah. "An Artificial Intelligence Company Backed by Microsoft Is Helping Israel Surveil Palestinians." *Vox*, Vox, 31 Oct. 2019, www.vox.com/2019/10/31/20937638/israel-surveillance-network-covers-palestinian-territories.

¹⁴ Please note that the list is not exhaustive.

¹⁵ The *Dado Center*, "the IDF's Leading Military Strategy & Policy Think Tank" has expressly admitted that the "increase in data compiling and analysis speed, combined with the ability to quickly and effectively inject the result with proper context to the actual operation, will be a game changer when it comes to strengthening the IDF's offensive capability and lethality in the battlefield". See Lt. Col. G., et al. "From Traffic Analysis to Artificial Intelligence." *Idf.il*, www.idf.il/en/minisites/dado-center/research-1/from-traffic-analysis-to-artificial-intelligence/.

¹⁶ Kanwal, Aroosa. "Dreaming with Drones: Palestine under the Shadow of Unseen War." *The Journal of Commonwealth Literature*, 2020, p. 002198942095183., doi:10.1177/0021989420951839, page 4.

¹⁷ See Cole, Chris, et al. "Convenient Killing: Armed Drones and the Playstation Mentality." *Drone Wars*, Sept. 2010, <https://dronewars.net/2010/09/20/convenient-killing-armed-drones-and-the-playstation-mentality-2/>. The authors describe the state of the use of armed drones as the main mechanism utilized to normalize war against Muslims communities in a variety of contexts—against Kashmiris, Afghans, Rohingyas, Pakistanis and Palestinians.

¹⁸ Please note that this rule is one of the most complex of IHL and "requires that the expected harm to civilians be measured, prior to the attack, against the anticipated military advantage to be gained from the operation" and is therefore "largely dependent on subjective estimates of value and context-specificity". See Heyns, Christof. "Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions". Human Rights Council Twenty-third Session Agenda item 3 Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development. *United Nations General Assembly*, 2013.

¹⁹ See Cole, Chris, et al. "Convenient Killing: Armed Drones and the Playstation Mentality." *Drone Wars*, Sept. 2010, <https://dronewars.net/2010/09/20/convenient-killing-armed-drones-and-the-playstation-mentality-2/>. The authors describe the state of the use of armed drones as the main mechanism utilized to normalize war against Muslims communities in a variety of contexts—against Kashmiris, Afghans, Rohingyas, Pakistanis and Palestinians.

²⁰ In fact, The Hague Convention (IV) stipulates that combatants should be commanded by persons, and the Martens clause stresses the principle of humanity in armed conflict, since it is believed that delegating lethal processes could lead to a dehumanization of warfare. See Heyns, Christof. "Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions". Human Rights Council Twenty-third Session Agenda item 3 Promotion and protection of all human

rights, civil, political, economic, social and cultural rights, including the right to development. *United Nations General Assembly*, 2013.

²¹ For instance, UAVs do not require the physical presence of someone to be deployed, but they can be activated remotely—through a computer—from afar and without being in the line of fire, thereby saving lives of soldiers belonging to better equipped and financially proponent armies. This condition is exacerbated when it comes to LAWS since targeting decisions could be taken by robots themselves, widening even more the distance between humans and the decision to kill.

²² Kanwal, Aroosa. “Dreaming with Drones: Palestine under the Shadow of Unseen War.” *The Journal of Commonwealth Literature*, 2020, p. 002198942095183., doi:10.1177/0021989420951839, page 7.

²³ Such as criminal cartels or private individuals, and used against different targets, including civilians.

²⁴ See Dana, Tariq. “A Cruel Innovation: Israeli Experiments on Gaza’s Great March of Return.” *Sociology of Islam*, vol. 8, no. 2, 2020, pp. 175–198., doi:10.1163/22131418-00802003.

²⁵ Lt. Col. G., et al. “From Traffic Analysis to Artificial Intelligence.” *Idf.il*, www.idf.il/en/minisites/dado-center/research-1/from-traffic-analysis-to-artificial-intelligence/.

²⁶ Heyns, Christof. “Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions”. Human Rights Council Twenty-third Session Agenda item 3 Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development. *United Nations General Assembly*, 2013.

²⁷ Frantzman, Seth J. “Israel’s Use of Artificial Intelligence Will Change the Future of War.” *The National Interest*, The Center for the National Interest, 13 Oct. 2020, nationalinterest.org/blog/buzz/israel%E2%80%99s-use-artificial-intelligence-will-change-future-war-170415.

²⁸ Frantzman, Seth J., and Kelsey D. Atherton. “Israel’s Rafael Integrates Artificial Intelligence into Spice Bombs.” *Defense News*, Defense News, 17 June 2019, www.defensenews.com/artificial-intelligence/2019/06/17/israels-rafael-integrates-artificial-intelligence-into-spice-bombs/.

²⁹ Frantzman, Seth J. “Israel Launches First-Ever Multitier Missile Defense Test.” *Defense News*, Defense News, 16 Dec. 2020, www.defensenews.com/training-sim/2020/12/16/israels-launches-first-ever-multitier-missile-defense-test/.

³⁰ Frantzman, Seth J. “Israel’s Carmel Program: Envisioning Armored Vehicles of the Future.” *C4ISRNET*, 5 Aug. 2019, www.c4isrnet.com/artificial-intelligence/2019/08/05/israels-carmel-program-envisioning-armored-vehicles-of-the-future/.

³¹ Frantzman, Seth J. “New Rafael System Helps Vehicles Navigate in GPS-Denied Environments.” *C4ISRNET*, 16 Oct. 2020, www.c4isrnet.com/industry/2020/10/16/new-rafael-system-helps-vehicles-navigate-in-gps-denied-environments/.

³² Frantzman, Seth J. “Israel Rolls Out New Surveillance Tech And Ship-Killing Missiles.” *The National Interest*, The Center for the National Interest, 9 June 2020, nationalinterest.org/blog/buzz/israel-rolls-out-new-surveillance-tech-and-ship-killing-missiles-161891.

³³ Estrin, Daniel. “Face Recognition Lets Palestinians Cross Israeli Checkposts Fast, But Raises Concerns.” *NPR*, NPR, 22 Aug. 2019, www.npr.com/2019/08/22/752765606/face-recognition-lets-palestinians-cross-israeli-checkposts-fast-but-raises-conc?t=1616242265920.

³⁴ Frantzman, Seth J. “Rafael Combines Technologies to Give Combat Robots a 'Brain' to Map Threats Indoors.” *C4ISRNET*, 6 Jan. 2021, www.c4isrnet.com/home/2021/01/06/rafael-combines-technologies-to-give-combat-robots-a-brain-to-map-threats-indoors/.

³⁵ Frantzman, Seth J. “Israel Rolls Out New Surveillance Tech And Ship-Killing Missiles.” *The National Interest*, The Center for the National Interest, 9 June 2020, nationalinterest.org/blog/buzz/israel-rolls-out-new-surveillance-tech-and-ship-killing-missiles-161891.

³⁶ Maxwell, Paul. “Artificial Intelligence Is the Future of Warfare (Just Not in the Way You Think).” *Modern War Institute*, 20 Apr. 2020, mwi.usma.edu/artificial-intelligence-future-warfare-just-not-way-think/#:~:text=Artificial%20intelligence%20is%20among%20the,warfare%20for%20years%20to%20come.&text=Visi ons%20exist%20of%20AI%20enabling,better%2C%20quicker%20decisions%20than%20humans.

³⁷ Solon, Olivia. “Why Did Microsoft Fund an Israeli Firm That Surveils West Bank Palestinians?” *NBCNews.com*, NBCUniversal News Group, 19 Nov. 2019 <https://www.nbcnews.com/news/all/why-did-microsoft-fund-israeli-firm-surveils-west-bank-palestinians-n1072116>.

³⁸ Brown, Deborah and Gujral, Mehar. “Internet rights at the Human Rights Council 40th session”, *Association for Progressive Communications*, 2019 <https://www.apc.org/en/news/internet-rights-human-rights-council-40th-session>.

³⁹ 7amleh - The Arab Center for the Advancement of Social Media is a non-profit organization that advocates for Palestinian digital rights. It also monitors and documents racist and discriminatory speech online, and for the past three years has compiled the Index of Racism on Israeli Social Media.

⁴⁰ See Report for Monitoring Palestinian digital Rights, hashtag #Palestine 2019, *7amleh-The Arab Center for Social Media Advancement*, 2020 <https://7amleh.org/2020/04/21/mrkz-hmlh-ysdr-tqryrh-alsnwy-lrsd-alhqwq-alsqmyh-alfstynyh-hashtag-flstyn2019>.

⁴¹ The ways in which Facebook fails to bring accountability to national governments—thereby reproducing and failing to suppress discriminatory behaviour, hate speech and political manipulation—can be seen in other geographical areas, in a variety of cases. See Wong, Julia Carrie “Revealed: the Facebook loophole that lets world leaders deceive and harass their citizens”. *The Guardian*. 2021. https://www.theguardian.com/technology/2021/apr/12/facebook-loophole-state-backed-manipulation?CMP=Share_AndroidApp_Other.

⁴² Shetty, Mona. “Systematic Efforts to suppress Palestinian Content on Social Media”, *7amleh-The Arab Center for Social Media Advancement*, 2020 <https://7amleh.org/2020/06/07/msaa-mmmnhjh-ltms-almhtwa-alfstyny-ala-wsael-altwasl-alajtmaay>.

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⁴⁴ Here understood as regional and international organizations and single countries.

⁴⁵ “Statement by the Special Advisers of the Secretary-General on the Prevention of Genocide, Mr. Adama Dieng, and on the Responsibility to Protect, Ms. Jennifer Welsh, on the situation in Israel and in the Palestinian Occupied Territory of Gaza Strip”, *United Nations Press Release*, July 2014, pp. 1 <https://www.un.org/en/genocideprevention/documents/media/statements/2014/English/2014-07-24-Special%20Advisers%20Statement%20on%20the%20situation%20in%20Israel%20and%20the%20occupied%20Gaza%20strip.pdf>.

⁴⁶ Ibidem.

⁴⁷ Ibidem.

⁴⁸ Heyns, Christof. “Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions”. Human Rights Council Twenty-third Session Agenda item 3 Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development. *United Nations General Assembly*, 2013.

⁴⁹ Kaye, David. “Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression”. Thirty-eighth session 18 June–6 July 2018 Agenda item 3 Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development. *United Nations Human Rights Council*, 2018.

⁵⁰ Idem, page 13.

⁵¹ Idem, page 9.

⁵² Heyns, Christof. “Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions”. Human Rights Council Twenty-third Session Agenda item 3 Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development. *United Nations General Assembly*, 2013, page 21.

⁵³ Ibidem.

⁵⁴ Ibidem.

⁵⁵ Specifically, in the case of Israel, while Facebook and the State of Israel reached an undisclosed agreement to gather and organize efforts and staff to monitor and remove “incitement” online, the Israeli Minister of Justice claimed that between June and September 2016 the company granted nearly all government requests for removal of content. It has also been stressed that “the vagueness of hate speech and harassment policies has triggered complaints of inconsistent policy enforcement that penalizes minorities while reinforcing the status of dominant or powerful groups”. Were widely reported, for instance, acts of violence and abuse against women; threats against people deprived of voting rights and belonging to minority ethnic groups vulnerable to violent persecution; abuse toward refugees, migrants and asylum seekers, as well as attempts to suppress advocacy efforts against repressive governments; accounts reporting ethnic cleansing and criticism towards racist phenomena and power structures. Plus, some states “rely on censorship and criminalization to shape the online regulatory environment” by using restrictive laws on “extremism”, blasphemy, defamation, “offensive” speech, “false news” and “propaganda” as pretexts to demand that companies eliminate legitimate material. Many states also make use of disinformation and propaganda tools to “limit the accessibility and trustworthiness of independent media”. See Kaye, David. “Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression”. Thirty-eighth session 18 June–6 July 2018 Agenda item 3 Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development. *United Nations Human Rights Council*, 2018.

⁵⁶ Idem.

⁵⁷ Further information and the list of the aforementioned AI principles can be found at “OECD Principles on Artificial Intelligence” *OECD*, www.oecd.org/going-digital/ai/principles/. <https://www.oecd.org/going-digital/ai/principles/>.

⁵⁸ “The Convention on Certain Conventional Weapons – UNODA.” *United Nations*, United Nations, www.un.org/disarmament/the-convention-on-certain-conventional-weapons/.

⁵⁹ See *Fifth Review Conference of the High Contracting Parties to CCW*, “Final Document of the Fifth Review Conference”, Decision I (CCW/CONF.V/10), available at <https://undocs.org/CCW/CONF.V/10>.

⁶⁰ “Since 2014, the CCW has convened annual meetings of States Parties, observers, and members of civil society to discuss the legal, ethical, technological, and military facets of LAWS. These meetings were elevated in 2017 from informal Meetings of Experts to a formal Group of Government Experts (GGE). After each session of the GGE, the session’s chair produces a draft report that details session proceedings and offers conclusions and recommendations for future work. States Parties then adopt the final report by consensus. In 2018, States Parties additionally agreed to a set of “guiding principles” for LAWS. States Parties agreed that international humanitarian law (IHL) would apply to LAWS, that humans must remain responsible for decisions about the use of force, and that states must consider the risks of LAWS

acquisition by, or proliferation to, terrorists.”, in International Discussions Concerning Lethal Autonomous Weapon Systems. Congressional Research Service (CRS), April 2021. <https://fas.org/sgp/crs/weapons/IF11294.pdf>.

⁶¹ See “The Need for and Elements of a New Treaty on Fully Autonomous Weapons”, Human Rights Watch. June, 2020. https://www.hrw.org/sites/default/files/media_2020/06/202006arms_rio_autonomous_weapons_systems_2.pdf. See also “The Role of the United Nations in Addressing Emerging Technologies in the Area of Lethal Autonomous Weapons Systems.” *United Nations*, United Nations, www.un.org/en/un-chronicle/role-united-nations-addressing-emerging-technologies-area-lethal-autonomous-weapons.

⁶² As of 2021, countries that supported a preemptive ban on LAWS include Algeria; Argentina; Austria; Bolivia; Brazil; Chile; Colombia; Costa Rica; Cuba; Djibouti; Ecuador; El Salvador; Guatemala; Holy See; Iraq; Jordan; Mexico; Morocco; Namibia; Nicaragua; Pakistan; Panama; Peru; Uganda and Venezuela. On the other hand, those who opposed it were Australia; France; Germany; Israel; New Zealand; Russia; South Korea; Spain; Turkey; United Kingdom, and the United States. China has agreed to support a preemptive ban on the use of such devices, but not of their development. See “International Discussions Concerning Lethal Autonomous Weapon Systems”. Congressional Research Service (CRS), April 2021. <https://fas.org/sgp/crs/weapons/IF11294.pdf>.

⁶³ *A New Wave of Israeli Legislation Posing Severe Threats to Internet Freedoms*, Written statement submitted by Association for Progressive Communications, non-governmental organization in general consultative status, Human Rights Council. https://www.apc.org/sites/default/files/APC_7amleh_written_statement_HRC_40.pdf.

⁶⁴ We are here referring to the list of “Proposed or recently established new alliances and partnerships on technology and AI”, *European Council on Foreign Relations*, January, 2021. <https://ecfr.eu/publication/artificial-divide-how-europe-and-america-could-clash-over-ai/>.

⁶⁵ Franke, Ulrike. “Artificial divide: How Europe and America could clash over AI”. *European Council on Foreign Relations*, 2021. <https://ecfr.eu/publication/artificial-divide-how-europe-and-america-could-clash-over-ai/>.

⁶⁶ Ibidem.

⁶⁷ Proposal for a regulation of the European Parliament and of the Council laying down harmonised rules on artificial intelligence (artificial intelligence act) and amending certain union legislative acts, page 3. European Commission, 2021. <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1623335154975&uri=CELEX%3A52021PC0206>.

⁶⁸ For instance, on the use of biometric identification systems by law enforcement.

⁶⁹ “Proposal for a regulation of the European Parliament and of the Council laying down harmonised rules on artificial intelligence (artificial intelligence act) and amending certain union legislative acts”, page 3. European Commission. 2021. https://eur-lex.europa.eu/resource.html?uri=cellar:e0649735-a372-11eb-9585-01aa75ed71a1.0001.02/DOC_1&format=PDF.

⁷⁰ Idem, page 20.

⁷¹ Ibidem.

⁷² See Campaign to Stop Killer Robots, 2019, *Key Elements of a Treaty on Fully Autonomous Weapons*. <https://www.stopkillerrobots.org/wp-content/uploads/2020/04/Key-Elements-of-a-Treaty-on-Fully-Autonomous-WeaponsvAccessible.pdf>.

⁷³ See “ICRC Position Paper: Artificial Intelligence and Machine Learning in Armed Conflict: A Human-Centred Approach.” *International Review of the Red Cross*, 1 Mar. 2021, international-review.icrc.org/articles/ai-and-machine-learning-in-armed-conflict-a-human-centred-approach-913.

⁷⁴ See *New Weapons, Proven Precedent: Elements of and Models for a Treaty on Killer Robots*. Human Rights Watch; International Human Rights Clinic at Harvard Law School, 2020. https://www.hrw.org/sites/default/files/media_2020/10/arms1020_web.pdf.

⁷⁵ “The Role of the United Nations in Addressing Emerging Technologies in the Area of Lethal Autonomous Weapons Systems.” *United Nations*, United Nations, www.un.org/en/un-chronicle/role-united-nations-addressing-emerging-technologies-area-lethal-autonomous-weapons.

⁷⁶ “Examination of various dimensions of emerging technologies in the area of lethal autonomous weapons systems, in the context of the objectives and purposes of the Convention”. *Group of Governmental Experts of the High Contracting Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects*, 2017 <https://undocs.org/ccw/gge.1/2017/WP.1>.

⁷⁷ “Final Document of the Fifth Review Conference”. *Fifth Review Conference of the High Contracting Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects*. 2016. <https://undocs.org/CCW/CONF.V/10>.

⁷⁸ Mitchell, Caitlin. “When laws govern laws: a review of the 2018 discussions of the group of governmental experts on the implementation and regulation of lethal autonomous weapons systems”. *Santa Clara High Technology Law Journal*. 2020. Pp. 2 https://www.kiip.re.kr/webzine/2010/file/kiip_43_file8.pdf.

⁷⁹ Idem, page 1-9-10

⁸⁰ Ibidem.

⁸¹ See “Human-Centred Values and Fairness (Principle 1.2).” *OECD AI Policy Observatory*, oecd.ai/dashboards/ai-principles/P6.

⁸² For further information about the humanitarian consequences of LAWS and AI tools and to learn more about the work done by different NGOs, see “Lethal autonomous weapons systems (laws): the humanitarian consequences of automating harm”. *Scientists against inhumane weapons*. <https://www.saiwe.org/what-we-do>.