



Cornell Law School

MAINTAINING THE SPEED OF RELEVANCE: THE RIGHT TO PRIVACY AND AI DERIVED INTELLIGENCE IN MILITARY DECISION SUPPORT APPLICATIONS

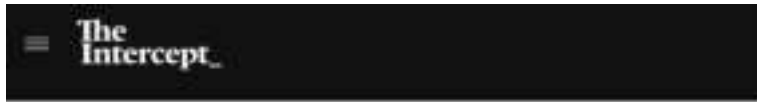
Dr. Brian L. Cox

Session 5: The Right to Privacy in Military Operations

The 'Silent Leges Inter Arma?' Conference VIII

September 18, 2025

AI-



THE TALIBAN HAVE SEIZED U.S. MILITARY BIOMETRICS DEVICES

Biometric collection and identification devices were seized last week during the Taliban's offensive.



 Neil Klugenstein, Sara Bivins
 August 17, 2021, 8:11 p.m.
 [< Share](#)

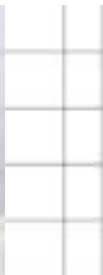


“This updated database will make it more efficient for warfighters to collect, identify and neutralize the enemy,” wrote Col. Senodja Sundiata-Walker, project manager for the Pentagon’s biometrics program.

President Joe Biden’s proposed budget for the Army in fiscal year 2022 seeks more than \$11 million to purchase 95 new biometric collection devices expanding upon those used in Afghanistan and Iraq.

[< Share](#)

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AI-enabled military decision support applications

The screenshot shows the top of a web browser displaying the +972 Magazine website. The header includes the magazine's logo on the left, a search bar with a magnifying glass icon, and a red 'SUPPORT US' button on the right. The main content area features a large photograph of an Israeli soldier in a green helmet and uniform, holding a smartphone to take a picture of a man in a brown shirt. The man is looking at the phone. In the background, a woman wearing a pink headscarf is partially visible. The article title, 'Israel developing ChatGPT-like tool that weaponizes surveillance of Palestinians', is overlaid on the bottom right of the image. Below the title, a short paragraph states: 'The Israeli army is building an AI language model using millions of intercepted conversations between Palestinians, which could accelerate the process of incrimination and arrest, a joint investigation reveals.'

≡ +972 MAGAZINE ≡ +972 MAGAZINE ≡ +972 MAGAZINE NEWSLETTER 🔍 SUPPORT US

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Israel developing ChatGPT-like tool that weaponizes surveillance of Palestinians

The Israeli army is building an AI language model using millions of intercepted conversations between Palestinians, which could accelerate the process of incrimination and arrest, a joint investigation reveals.

Project structure

MAINTAINING THE SPEED OF RELEVANCE: RELIANCE ON AI DERIVED INTELLIGENCE IN MILITARY

Maintaining the Speed of Relevance: Reliance on AI Derived Intelligence in Military Decision Support Processes



Introduction

By Dr. Brian L. Cox

Sec 1: Target Development and AI-enabled Military Decision Support Processes

Abstract:

Sec 2: AI-enabled Decision Making in Targeting Operations

Sec 3: The Right to Privacy and AI Derived Intelligence in Military Decision Support

Applications

Dear Dr. Cox,

Concluding reflections

On behalf of myself and Brigadier General (Ret'd) [REDACTED], I'd like to invite you to contribute a chapter to a forthcoming edited volume entitled ***Law in the Shadows of War: Espionage and Sabotage in Modern Conflict.***



"ON THE BRINK": THE GENEVA CONVENTIONS AT 75

by Thomas Wheatley | Mar 27, 2024

Perspective & balancing military necessity/humanity

Lieber Code (1863)



Determinists and Indeterminists

Mirroring the fragmentation of the post-Second World War order is a degree of fragmentation among the law of war's institutional communities of practice. These communities of practice—including but not limited to the military, academia, and humanitarians—share the goal of interpreting, applying, and upholding the law of war faithfully and encouraging their counterparts to do the same. They often do so, however, dissimilarly. While not a new phenomenon, participants expressed a growing sense that these communities of practice are increasingly dissimilar in their approach to the law of war, perhaps even to an extent that they are **now more unlike than alike.**

Military necessity cannot justify departures from the law of war specifically with war's ends in mind. States considered military requirements.²⁸ Thus, the law of war should be understood to reflect States' determinations that such conduct is **militarily unnecessary per se.**



ICRC



those who would crush him. But that idea has given rise to two distinct aims: to **limit the evils of war** and to defend man against arbitrary action. Throughout the centuries they have developed along parallel lines.

**Military
necessity**



Humanity



International humanitarian law is a set of rules which seeks, for humanitarian purposes, to limit the effects of armed conflict. It protects people who are not or are no longer participating in hostilities and restricts the means and methods of warfare.

Legal/op



UNITED
REGIONAL JO



CEN-SMO-3004: Joint Intermediate Target Developers Course

completed on
February 10, 2017
A DISAP II Course
Presented by the
Directorate of Intelligence
United States Central Command



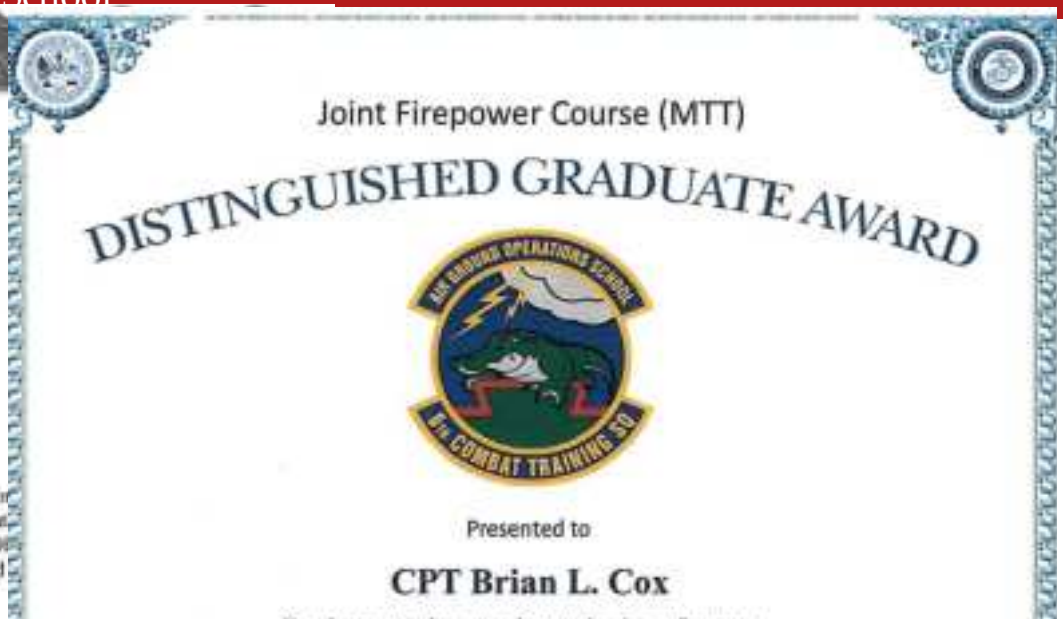
Direct
CEN-SMO-3001
(40 Training Hours)



CPT BRIAN COX

Has successfully completed the
Advanced Collateral Damage Estimation

17 February 2017



Give



US ARMY
THE JUDGE ADVOCATE GENERAL'S SCHOOL
CERTIFICATE OF COURSE COMPLETION

This is to certify that
CPT BRIAN L. COX
Successfully completed 12 hours of instruction in the
11TH INTELLIGENCE LAW COURSE

31 AUG 2016 - 04 SEP 2016

Given at The Judge Advocate General's School, US Army in Charlottesville, VA on this 04th day of September 2016

James F. Garrett

JAMES F. GARRETT
COL, JA
Dean

JAAGCS Form 87 1 Oct 14

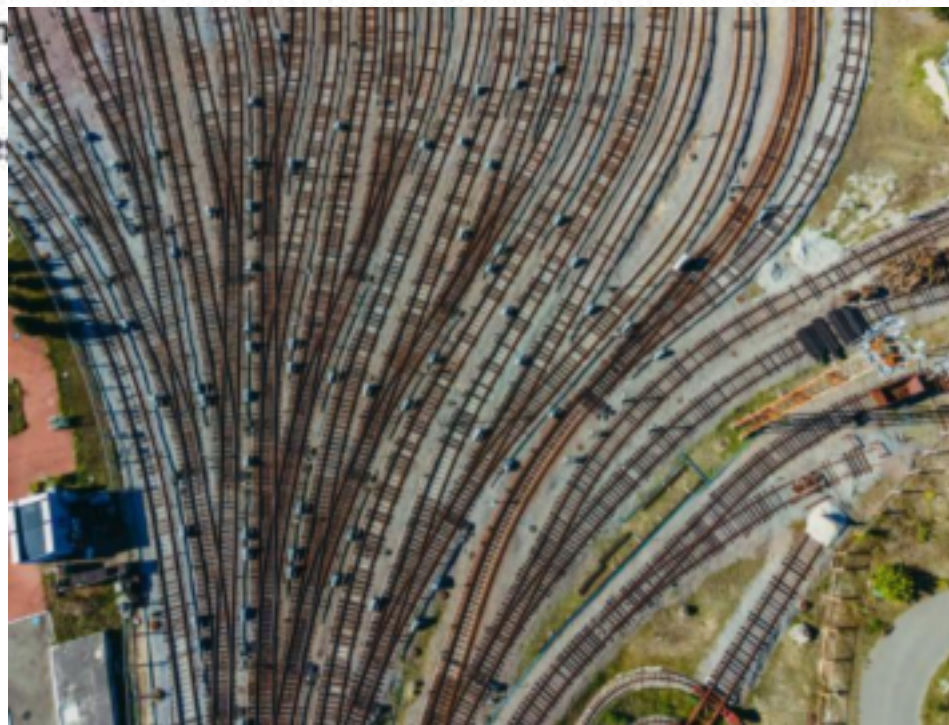
Convergence & confluence of international law (1)



The classification I now offer is one which I advocated in a study published in 1966.² I was one of the first to show the connection between the law of armed conflicts and human rights. Above all, I sought **to find what connected the two**, until then regarded as alien to one another, instead of what separated them. Having I suggested common denominator the term.

HUMANITARIAN LAW
AND
THE PROTECTION
OF WAR VICTIMS

JEAN PICTET



CONVERGENCE

...ts have the same
individual against
... given rise to two
... fend man against
... they have developed

Convergence & confluence of international law (2)

Human Rights in Armed Conflicts

380

Sean MacBRIDE, S.C.

The Inter-Relationship between the Humanitarian Laws and the Law of Human Rights.



By Sean MacBRIDE, S.C. (I),
Secretary General, International Commission of Jurists.

REVUE DE DROIT PÉNAL MILITAIRE
ET DE DROIT DE LA GUERRE

ANNUAIRE 1980-1981
REVUE INTERNATIONALE DE DROIT PÉNAL MILITAIRE ET DE DROIT DE LA GUERRE



THE MILITARY LAW AND LAW OF WAR REVIEW

ZEITSCHRIFT FÜR MILITÄR-
STRAFRECHT UND KRIEGSRECHT

REVISTA
DE DROIT PÉNAL MILITAIRE
ET DE DROIT DE LA GUERRE

Revisado por:
Prof. de Juris
Bruxelles

The main purpose of this Memorandum is to draw attention to the important nexus which exists between some of the Humanitarian Conventions, and some of the Human Rights Conventions and to urge that both codes should be brought into conformity with each other and reinforced.



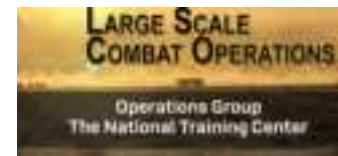
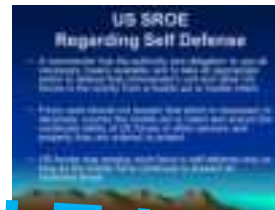
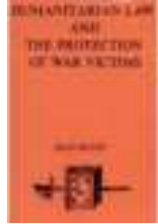
on the other hand, have had no
n left entirely to the tender mercy
matters. Governments are dominated
ents; they never want to be stopped
fying methods of mass destruction.
nitarian considerations. The Hague



Spectrum of conflict

The classification I now offer is one which I advocated in a study published in 1966.² I was one of the first to show the connection between the law of armed conflicts and human rights. Above all, I sought to find **what connected the two**, until then regarded as alien to one another, instead of what separated them. Having described the two branches and their relationship, I suggested that, for want of a better name, they be given the **common designation of humanitarian law**, in the **broad sense** of the term.

HUMANITARIAN
LAW



[illegible]

1. *Journal of the American Medical Association*, 1997; 277: 1001-1005.



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Factors to consider

DOMESTIC



EDPS
EUROPEAN
SUPERVISOR OF PROTECTION
OF PERSONAL DATA

Article 8 – Right to Respect for Private and Family Life

Artificial Intelligence

 [Translate this page](#) 

Artificial intelligence (AI) is a reality and has woven its way into everyday life: navigation systems, spam filters, weather forecasts to name but a few.

There have been significant advancements in the field of machine learning, a subset of AI. The machines learn due to the complex algorithms that allow them to analyse huge data sets and make predictions using these data. Along with enhancing the machines' skills, increasing amounts of data are being collected and information on human behaviour are being monitored; all of which present challenges for privacy and data protection.



Factors to consider



EFFECTIVE CONTROL

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

Al-Skeini and Others v. the United Kingdom

7 July 2011 (Grand Chamber – judgment)

Al-Jedda v. the United Kingdom

7 July 2011 (Grand Chamber – judgment)

Hassan v. the United Kingdom

16 September 2014 (Grand Chamber – judgment)

Jaloud v. the Netherlands

20 November 2014 (Grand Chamber – judgment)

COMBAT

4

Acting as a Sovereign versus Acting as a Belligerent



PEACE, WAR, AND THE SPACE BETWEEN:
TWO BOOKS ON CLARIFYING THE CONNECTIONS BETWEEN HUMAN RIGHTS AND
ARMED CONFLICT IN THEORY AND PRACTICE
A Dissertation
Presented to the Faculty of the Graduate School
of Cornell University
In Partial Fulfillment of the Requirements for the Degree of
Doctor of the Science of Law
by
Brian L. Cox
August 2024

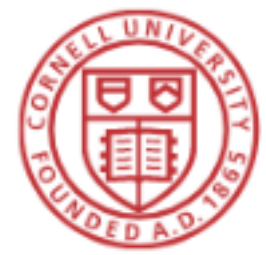
Factors to consider

DOMESTIC



COMBAT





Cornell Law School

Discussion and questions

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