



# US Assassination of General Soleimani and International Law

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## Introduction:

On January 3, 2020, the US military conducted a drone strike near Baghdad International Airport that martyred the General of peace Major General Haaj Qasem Soleimani, the command-

er of the Quds Force of the Islamic Revolutionary Guard Corps (IRGC). The Trump administration initially appeared to justify the strike as an effort to deter imminent attacks on U.S. embassies and personnel, but later insisted that Iran's ac-

tions in the months leading up to the strike triggered the US to use the right for self-defense. In the aftermath of the strike, Iraq voted to expel U.S. troops from its territory, and Iran conducted a missile strike on American bases in Iraq.

In this paper we will try to examine the assassination of General Qasem Soleimani, Abu Mahdi Al-Muhandis, and their other companions from a legal perspective.

First of all, in explaining the cases of violations of the principles of international law in the event of the martyrdom of General Qasem Soleimani, it must be said that the step by the United States in the brutal assassination of General Soleimani and his companions were obvious violation of international law and the Islamic Republic of Iran has the inherent right to defend itself and to take reciprocal action in accordance with the inalienable rules of international law, and to prevent the violators of the principles of international law, going unpunished for committing this terrorist act.

**The Political Reason for the Assassination of Sardar Soleimani:**

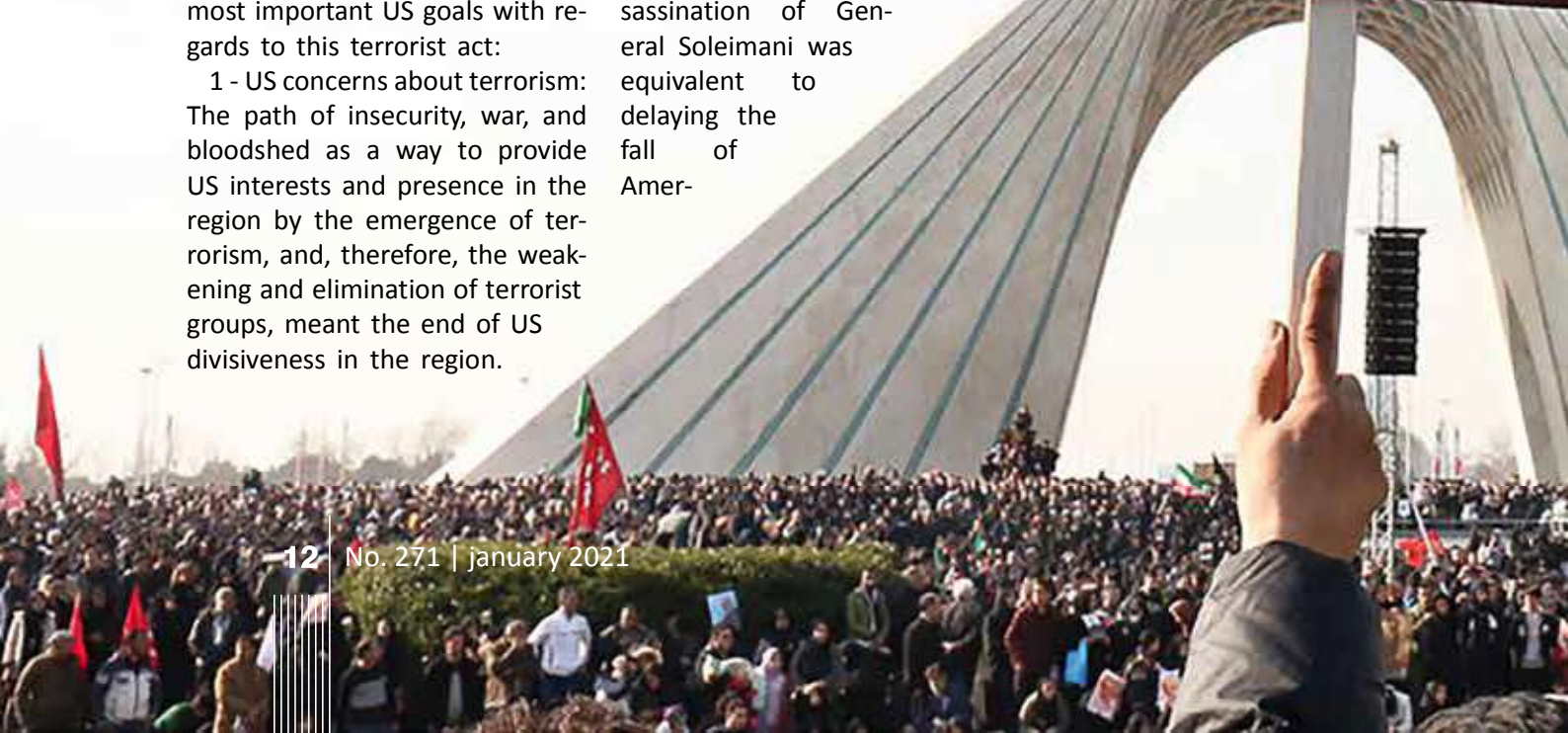
Despite the slogan of fighting terrorism and regardless of whether the US government is Republican or Democratic, supporting terrorism has always been one of the ways that US advances its foreign policy goals. Some of the most important US goals with regards to this terrorist act:

1 - US concerns about terrorism: The path of insecurity, war, and bloodshed as a way to provide US interests and presence in the region by the emergence of terrorism, and, therefore, the weakening and elimination of terrorist groups, meant the end of US divisiveness in the region.

The annihilation of ISIS by general Soleimani as an outward manifestation of terrorism in the Middle East made what Kissinger saw as the “legitimizing principle of the ruling order” in the context of the apparent fight against terrorism and a process that thinkers called the “American jungle” that makes it meaningless. That is why the martyrdom of Haaj Qasem Soleimani was, in fact, the killing of peace and the strengthening of terrorism with the aim of restoring the American interests in the region.

2 - Preventing the downfall of the United States: The United States considered itself the undisputed power and police of the world after World War II, but over the past decade there has been much talk of the American downfall on the world stage, and that is why America is trying to create a new identity by falsely claiming the role of leadership in the fight against terrorism.

For Trump, the assassination of General Soleimani was equivalent to delaying the fall of Amer-



ican hegemony and keeping terrorism from being destroyed to consolidate US hegemony in its apparent struggle against it.

3 - Marginalizing Iran's peaceful identity: From the moment of the victory of the Islamic Revolution, and especially in the new American era, many theorists believe that the Islamic Republic, given its identity, civilization, and normative capacities, is an actor capable of confronting and diminishing American hegemony.

4 - Strengthening utilitarian warfare: Hillary Clinton has described Trump as dangerously incompatible. These sentences, which are not few in number, mean that Trump should be called a phenomenon in the American political structure; a phenomenon that, with much more severe cognition than its predecessors, is based on utilitarian peace in order to establish war in West Asia as the only way for the United States to continue its presence in the region.

The assassination of Major General Haaj Qasem Soleimani, a key fig-

ure in providing security in West Asia, and the myth of a strategic fight against US-backed terrorist groups are considered.

Trump's lack of adherence to international law shows that more important goals have put his policy team at risk of making this strategic mistake; The goals that should be called the political layers of the assassination of General Soleimani.

The common denominator of all these goals is the US effort to return and strengthen terrorism, as well as to revitalize the American security paradigm in the region, which is to create insecurity; a paradigm that the presence of the General of Peace had seriously challenged.

#### Targeted State Assassination:

According to the definition of international human rights, targeted assassination is violation of the right to life. According to human rights standards, deprivation of the life of a person is legal only in a few cases. In this model, the fundamental obstacle to the targeted assassination is the right to life. From the perspective of contemporary international law, human rights are also applicable in times of armed conflict.

The International Court of Justice, in its Advisory Theory of Nuclear Weapons, emphasizes the fundamental and inalienable nature of the Board and states that in situations where humanitarian law is applicable, killings that vio-

late those rights may violate human rights.

One of the legal defenses that the United States may invoke in the assassination is to resort to the illegal view of "targeted assassination", which has been used and cited by that country and the Zionist regime for years. The illegitimacy of this view is so obvious that it has been repeatedly denounced by governments, human rights rapporteurs, and international jurists.

A state can justify its action for targeted assassination when, firstly, no other non-bloody and non-lethal solution is available, and secondly, by the principle of military action, the military advantage of such operations is based on the principles of proportionality and caution in humanitarian law. In the absence of these two criteria, international humanitarian law does not appear to confirm the targeted killings by the United States. What is clear is that with this targeted assassination, the United States has targeted commanders who have dealt heavy blows to the ISIS terrorists over the years. Targeting General Soleimani, Abu Mahdi Al-Muhandis and their companions are a clear example of international terrorism.

In our opinion, the martyrdom of General Soleimani is considered state assassination, and the meaning of state assassination is that one country is present in an-



other country and carries out military operations in that country. In other words, the arrival of the United States in Iraq and the conduct of military operations against the officials of the Islamic Republic of Iran and the martyrdom of officials who were in the army and the IRGC as officials of Islamic Republic of Iran is a clear violation of international law. Aggression and presence in another country, the use of force and terrorism is, in fact, the same as state terrorism; Therefore, this issue is considered a gross violation of international law and is due to non-compliance with the UN Charter.

Illegal tools were also used in this terrorist act as the terrorist operation was carried out by using drones, and according to the Chicago Convention, the flight of unlicensed drones on the territory of other countries is prohibited.

In 2013, the UN rapporteur also described the use of drones for targeted assassinations as an arbitrary killing. As per the clauses of the UN Charter, this operation and its conduct has caused international security to be disrupted, and according to paragraphs 2, 4, and 7 of Article 2 of the UN Charter, it is considered to lead to war in the region; Therefore, it endangers world peace and security.

#### **Violation of the Principles of International Law:**

Despite all its claims, the US government has traditionally been one of the main violators of human rights and public international law. The Vietnam War was one of the most common human rights abuses committed by the United

States after World War II, during which many people were killed.

On several other occasions, the United States staged coups in Latin America in the 1970s, establishing dictatorial regimes that led to the killing and disappearance of thousands of its citizens over the years. But this is not the whole story, since Trump came to power in the United States, human rights abuses have intensified. One of the most obvious of these behaviors is the deliberate assassination of General Qasem Soleimani. This criminal act violated many of the principles of human rights and public international law.

It should be noted that General Soleimani was carrying a diplomatic message from senior officials of the Islamic Republic of Iran and traveled to Iraq with a diplomatic passport, which was approved by the Iraqi and Iranian governments. In fact, Sardar Soleimani, as the official diplomat of a foreign country, traveled to Baghdad and was the official guest of the Iraqi government, and the necessary coordination had been made with the Iraqi government before his visit to Baghdad.

Therefore, his assassination attempt by the United States was not only a dangerous and unprecedented move but also a violation of Article 8 of the International Criminal Law, which does not allow the violation of the sovereignty and integrity of countries. In other words, here the United States violated both the sovereignty of the Iraqi government as a third country and the host of Sardar Soleimani as well as the sovereignty of the Islamic Republic of Iran.

By Reflecting on the aims and

principles of international law, the question is which principles have been violated by the assassination of the military commanders of Iran and Iraq?

#### **A) Violation of the principle of equality and respect of sovereignty**

In response to the above question, it should be said that the first principle that has been violated is paragraph 1 of Article 2 of the United Nations Charter, the principle of equality of sovereignty of countries. Because this operation was carried out without the permission of the Iraqi government. Iraqi officials have called the operation a violation of Iraqi sovereignty. The principle of equality of sovereignty requires that no country, no matter how powerful, has the right to take action in another country's territory that is contrary to that country's security.

It is noteworthy that an armed attack on the officials and statesmen of a country is considered

▶ **American aggression in attacking Sardar Soleimani's convoy; also violates the principle of respect for human rights and the right to life, because, in addition to killing the martyrs Soleimani and Abu Mehdi Mohandas, the lives of other innocent people were taken in this attack for which no charges have been brought against them.**

as an attack on the sovereignty of that country; whether these people are military or civilian. Therefore, the recent action of the Americans in attacking the car carrying General Soleimani and his companions in the first stage violates the principle of respect for the national sovereignty of the Iraqi government and, consequently, violates the principle of non-interference. With this operation, the United States has undoubtedly violated the sovereignty of Iraq.

#### **B) Violation of the principle of prohibition of the use of force:**

The second principle that has been violated is the prohibition of the use of force or the threat of the use of force. The assassination also violates UN General Assembly Resolution 3314 on the identification of acts of aggression and crime and violates paragraph 2 of Article 4 of the UN Charter on the Prohibition of the Use of Force, which is an international rule.

Interestingly, the principle of non-use of force means that in case of the use of force, one can defend oneself against the aggressor, which is called legitimate defense in legal terms. There is no doubt that what the United States government has done is based on Resolution 3314 and the international custom of aggression, and the Islamic Republic of Iran can legitimately defend itself against this aggression.

#### **C) Violation of the principle of non-interference:**

The third principle that has been violated is the principle of non-interference. According to the seventh paragraph of Article 2 of the



Charter, as well as customary international rules, the principle is to prohibit interference in the affairs of countries. The military operation near Baghdad airport is a military intervention in the affairs of Iraq and Iran.

To explain this further, the very concept of intervention must be defined. Intervention means forcing another country to obey the decision and will of the intervening state. There are different types of intervention in international law, such as military intervention, economic intervention, diplomatic intervention, etc. What is prohibited by international law is military intervention and to some extent diplomatic intervention. What happened in Iraq is US military intervention because it was ordered directly by Trump.

#### **D) Violation of the principle of the right to life:**

It is also a violation of Article 3 of the Universal Declaration of Human Rights that emphasizes the “right to life.” Therefore, deprivation of life or extrajudicial killing is a violation of international human rights law and according to this article, the right to life of a person cannot be deprived of without a legal order or outside the legal framework.

Another document on the human rights rules that can be examined in this regard is paragraph 1 Article 6 of the Covenant on Civil and Political Rights in relation to the right to life. Deprivation of the right to life of individuals is prohibited, even in the event of armed conflict, and is recognized as a fundamental human right.

American aggression in attacking Sardar Soleimani’s convoy; also violates the principle of respect for human rights and the right to life, because, in addition to killing the martyrs Soleimani and Abu Mehdi Mohandas, the lives of other innocent people were taken in this attack for which no charges have been brought against them.

Agnès Callamard, the UN rapporteur on extrajudicial and arbitrary executions, called the US assassination of General Qasim Soleimani a violation of international law.

Callamard said: “The US attempt to assassinate General Qasem Soleimani using a drone was a violation of international law,”.

In a report on the UAV assassinations, she said: “Washington has not provided sufficient reasons to justify and prove that the attack on General Qasem Soleimani’s convoy when he left Baghdad airport was to protect US interests.”

She added that the attack was a violation of the UN Charter and that the UN Security Council did not do its duty in this regard but remained silent in the face of this action.

#### **Iran’s legal response at the international forums:**

In the case of the martyrdom of General Soleimani by the US terrorist act, any retaliatory action on the part of Iran would be justified and it can take “reciprocal action” under Articles 24 and 25 on the draft of the International Responsibility of States, adopted by the UN General Assembly in 2001. It also has the right to exercise its right of self-defense in accordance with Article 51 of the Charter on the use of

legitimate defense and retaliation, whether individually by Iran or collectively by Iran and Iraq.

Other legal actions include the possibility of filing a complaint with the Human Rights Council and the General Assembly and requesting a conviction for targeted assassinations, referring the matter to the International Committee of the Red Cross for violating international humanitarian law and filing a lawsuit in the courts and tribunals.

### Conclusion:

Undoubtedly, the US attack on General Soleimani and his convoy on January 3, 2020, in Iraq was an act that lacks any legal element and conflicts with many legal principles and rules in the international system, the most important of which is the use of force that is illegal. An attack that is a clear example of state terrorism and in clear violation of the UN Charter (paragraph 2 Article 4 prohibiting the use of force against the sovereignty, territorial integrity, political independence of states), violation of customary international law and international rules and violations of human rights.

Since legally there was no armed conflict between the US and Iran at the time of this attack, and the same situation was between the US and the Iraqi government, therefore, targeting the military commanders of Iran and Iraq can in no way be accepted as a legitimate goal and defensive action by the United States.

General Soleimani traveled to Iraq as part of international cooperation between Iran and Iraq to fight terrorism, and for this reason,



his military presence in Iraq was coordinated and approved by the Baghdad government.

Since General Soleimani was the senior military official of the Islamic Republic of Iran and, of course, was on a foreign mission in Iraq, the US attack on him and his allies on Iraqi soil undermined the political independence and national sovereignty of the Iraqi government.

Finally, it should be noted that violation of applicable international law and human rights law have become a habit of the US government, and in doing so not only intentionally violates the law itself, but also supports the human rights abuses of its allies, such as the Zionist regime and Saudi Arabia. The assassination of General Qasem Soleimani was not the first act against US legal norms, nor is it

the last. But this model of conduct contrary to international law and acting against a senior official of another country on the territory of a third country has been very rare before. Therefore, in analyzing the consequences of this criminal act, it should be said that this behavior can become a wrong and dangerous procedure in the relations between countries and impose serious consequences on the international environment, which is more complicated than ever.

Therefore, the Trump administration has lost its legitimacy by acting against human rights and international law at the global level, and this is an issue that the American people must stand up to prevent the collapse of their government hegemony in the international community.