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**THE ATTACK ON SOLEIMANI, BACKFIRED? AN INTERNATIONAL  
LAW PERSPECTIVE**

- Archi Agarwal & Mohd Yasin<sup>1</sup>

**Introduction**

The attack on Qasem Soleimani which took place on January 3<sup>rd</sup>, 2020 was commissioned by the United States of America with the authorization of former president Mr. Trump. The air drone strike was carried out by the United States Air Force outside the Baghdad International Airport. The action gave rise to several questions regarding its legitimacy. The question of whether such acts can ever be justified by any nation is always up for debate, accompanied by various international laws that are violated. The US as we know it is one of the most powerful nations in the world and will take extreme measures to protect its people when it comes to terrorism but their methods are questionable.

Some of the questions that will be answered in this area –

1. Did the US government act within the boundaries that have been set by public international law?
2. The question of Iran's sovereignty?

The attack did not only kill the desired target but also some prominent public Iranian figures namely – the deputy chairman of Iran's Popular Mobilisation Forces, Abu Mahdi al-Muhandis is a person whom both the United States and the United Arab Emirates (UAE) have identified as a terrorist<sup>2</sup>. Now was it legal to kill all those other important figures? On numerous occasions the attack has been termed as the assassination was it an assassination? Or an act of self-defense? What about the strained relations between the two nations and will acts like these will continue in the future? Can peace be restored or there will be further

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<sup>1</sup> The student at Galgotias University, Greater Noida.

<sup>2</sup> 'Assassination of Qasem Soleimani' (*Wikipedia*)

<[https://en.wikipedia.org/wiki/Assassination\\_of\\_Qasem\\_Soleimani](https://en.wikipedia.org/wiki/Assassination_of_Qasem_Soleimani)> accessed 20 August 2023

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attacks by Iran as retaliation? Qasem Soleimani was the 2<sup>nd</sup> most powerful person in Iran his death buried the seeds of aggression against the USA. Although the government has tried to justify the attack there have been loopholes in the way the attack was carried out.

**Did the US government act within the boundaries that have been set by public international law?**

According to UN Charter Article 2(4)<sup>3</sup>- *states are to “refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state or in any other manner inconsistent with the purposes of the UN.”* However, this article comes with its exceptions – Article 39<sup>4</sup> which allows the Security Council to authorize force, and Article 51<sup>5</sup> exerting force under self-defense. The US took exception shelter under Article 51 to justify its action, several prominent leaders of the government mentioned that they were expecting an “imminent attack” and thus the air strike was necessary to halt any such attacks. Article 51 of the charter further states that the Security Council must be informed of any attack that any nation may be contemplating however, in the present scenario the council was not informed and had no prior knowledge of the attack the government of the USA acted on its own thus rendering their acts unlawful according to the Charter.

Another argument that had mixed views was the strike was deemed an assassination the officials of the US government were quick to vehemently deny such accusations. Iran had contrary views it considered the action an act of war rather than an act to stop the war The government of Iran was displeased with the targeted killing of its leaders it considered the US responsible for it and held the view that they had gone rogue performing such attacks. The attack has strained the relationship between the two nations and Iran seeks out a way to avenge the attack.

Apart from the above-mentioned concerns the questions also revolved around the right to life – was it possible to capture the person alive and what about all the other people that died in the attack? During such acts of self-defense, the military forces are only allowed to kill combatants and not civilians, Can the US government claim with utmost conviction that all the other people who were killed in the strike were fighters and no civilian was harmed? The

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<sup>3</sup>UN(26 June 1945)

<sup>4</sup>*Ibid*

<sup>5</sup>*Ibid*

killing was deemed unlawful under international humanitarian laws. US clarified that it was essential that they kill Soleimani because of the attacks they anticipated he was planning and leaving him alive was not an option they were presented with. The collateral damage that took place violated several international laws as a result, the execution of six other people in addition to Soleimani breached Article 6<sup>6</sup> of the International Covenant on Civil and Political Rights (ICCPR). The US has consistently maintained that the ICCPR's duties do not extend extraterritorial. However, the UN Human Rights Committee (HRC) and the International Court of Justice's precedent have maintained that the ICCPR's duties do apply to state behavior outside of its borders<sup>7</sup>.

### **Iran's sovereignty was violated?**

The US has carried out several similar acts in the past where the sovereignty of the other nations was threatened. In this particular case, the Iranian officials did not know about the attack they had no prior knowledge of the air strike<sup>8</sup>. The nation on whose soil the attack is supposed to take place is required to be informed and thus seek their permission to carry out the task. The attack caused rage in the crowds of Iran some protests and strikes took place and the US flag was burnt by the enraged crowd. The leaders of Iran promised to take revenge against the US as they were of the view that the act was to start a war and not to stop the war. To answer the simple question of whether the strike and killing of a prominent leader resulted in violating the sovereignty of Iran? Yes, it did. The Iranian government should have been notified about the attack.

### **Conclusion**

Attacks like these take place with one single motive – to stop terrorism and promote world peace. Although at numerous times such actions are considered rogue as they violate international laws. The killing of Soleimani, who was known for participating in active war crimes was celebrated as well as condemned. The reasons weren't ethical enough to justify the killing and his assassination was considered as an act of war.

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<sup>6</sup>International Covenant on Civil and Political Rights (adopted 16 December 1966, came into force 23 March 1976) 999 UNTS 171 (ICCPR)

<sup>7</sup>Ishan Kumar, 'Assassination of Major General Soleimani: An international law perspective'(2020) Indian Journal of Law and Public Policy

<sup>8</sup>Mila Swart, 'To stop a War': Did Soleimani killing violate International law?(*ALJAZEERA*, 5 January 2020) <<https://www.aljazeera.com/news/2020/1/5/to-stop-a-war-did-soleimani-killing-violate-international-law>> accessed 25 August 2023

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The government of the US acted on a whim, but they did acknowledge full responsibility for their actions. The action however had more demerits than merits – it increased the tension between the two nations, and the promise of future attacks by Iran. All acts and attacks can't be anticipated by any nation thus peace needs to be restored or it will start a future cycle of vicious attacks.



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