



BOOK REVIEW OF “THE LEGAL IMPLICATIONS OF THE UNITED STATES’ STRIKE ON GENERAL SOLEIMANI, HIS ASSOCIATES, AND IRAN’S RESPONSES” EDITED BY MOSTAFA FAZAELI*

MOHAMMAD SALEH TASKHIRI^{ID}

Assistant Professor, Department of International Law, Faculty of Law, University of Qom, Iran. | ms.taskhiri@qom.ac.ir

Article Info

Article type:

Book Review

Article history:

Received

10 November 2023

Received in revised form

25 December 2023

Accepted

25 December 2023

Published online

30 December 2023



https://ijicl.qom.ac.ir/article_2762.html

Keywords:

General Soleimani,

Targeted Assassination,

War on Terrorism,

Act of Aggression,

International Humanitarian Law.

ABSTRACT

“The Legal Implications of the United States’ Strike on General Soleimani, His Associates and Iran’s Response” offers a comprehensive examination of the assassination of General Soleimani from the perspective of international law. This book sheds light on the subject by delving into the various dimensions of international law, including international treaty law, international criminal law, the use of force in international law, humanitarian law, and the fight against terrorism, with a focus on elucidating the act of terrorism committed by the United States. The book’s strengths lie in its emphasis on international treaties and its reflection of Eastern thought regarding the assassination of an anti-terrorism hero within the framework of international law. Furthermore, the book seeks to establish legal convergence in the Middle East regarding the assassination of General Soleimani and to counter United States’ Lawfare against Iran’s authorities. However, the book falls short in failing to address certain recent developments, such as changes in foreign policy after the Trump Administration, Iran’s intention to bring the case before the International Court of Justice, and the conclusion of legal proceedings concerning General Soleimani’s assassination in Iran and Iraq.

Cite this article: Taskhiri, M.S. (2023). Book Review of “The Legal Implications Of The United States’ Strike On General Soleimani, His Associates And Iran’s Responses” Edited By Mostafa Fazel, *Iranian Journal of International and Comparative Law*, 1(2), pp: 253-258.



© The Authors

doi 10.22091/IJICL.2024.10444.1093

Publisher: University of Qom

* E-version of the book in English available at <https://en.qom.ac.ir/ZwL> and in Arabic available at <https://ar.qom.ac.ir/ZxL>.

Table of Contents

Introduction
1. Organization of the Book
2. Content Analysis
Conclusion

Introduction

International issues often lend themselves to multiple perspectives and analyses. Consequently, legal publications frequently present diverse interpretations of similar subjects, reflecting the varied approaches and legal analyses of scholars and commentators. “The Legal Implications of the United States’ Strike on General Soleimani, His Associates and Iran’s Response”¹ is a recently published book (comprising a collection of articles) from the Qom University Press that offers a unique perspective on the assassination of General Qassem Soleimani. Written in English, the book incorporates the viewpoints of nearly twenty legal experts specializing in international law and criminal law.

1. Organization of the Book

In the foreword to the book, the editor, Mostafa Fazaeli, a prominent Iranian legal scholar discusses the existing foundations of the international order and the principles that govern it, such as sovereign power, political independence, territorial integrity, and non-interference in the internal affairs of States. Fazaeli acknowledges that while the general rule is to prohibit the use of force or the threat of force between States, there are exceptions, such as legitimate self-defense and collective security, as outlined in the United Nations Charter. He highlights that some States, particularly major powers, have adopted controversial approaches and interpretations to expand the scope of the use of force in the post-Cold War era, giving rise to concerns, criticisms, and doubts from many States, international institutions, and legal doctrines. Fazaeli expresses concern that these expansionist approaches may have undermined the rule of law and replaced it with the rule of power.

Fazaeli specifically references the military drone strike ordered by then-President Donald Trump of the United States on January 3, 2020, which targeted General Soleimani and Abu Mahdi al-Muhandis in Iraq. He deems this action as lawless and a violation of international law, human rights law, and existing treaties and agreements. He highlights the engagement of the

1 . Mostafa Fazaeli, ‘The Legal Implications of the United States’ Strike on General Soleimani, His Associates and Iran’s Response’ (2023) Qom University Press.



Iranian academic community, particularly legal scholars, in this regard and includes relevant contributions from prominent legal professors and researchers from Iran and other countries. He provides brief overviews of each article, facilitating readers' selection.

2. Content Analysis

The book provides a legal analysis of the assassination of General Soleimani through fourteen articles, which are not specifically categorized, aiming to present various aspects of the subject to an English-speaking audience. The articles cover topics such as the legal dimensions of the United States' assassination of General Soleimani, the nature of this act in light of the prohibition of the use of force, consideration of humanitarian law and international crimes, the use of drones for terrorist activities, the United States' approach to targeted killings, international responsibility arising from the actions of the United States, and the criminal responsibility of United States' political and military officials involved in this operation. Additionally, several articles examine Iran's reciprocal actions.

Some articles argue that the United States' action constitutes a violation of international law and an act of aggression. They discuss the potential jurisdiction of international courts, such as the International Criminal Court and the International Court of Justice, to address the United States' legal responsibility for the attack. Some others address the violation of Iraq's sovereignty, the absence of legal justifications presented by the United States, and the implications of the attack on international laws and regulations, including human rights law and international humanitarian law.

Some authors examine the feasibility of characterizing the assassination as a crime against humanity and discuss the challenges in prosecuting the perpetrators. The book also explores Iran's potential legal responses to the attack, such as forcible reprisal, use of force short of war, and filing complaints before national and international courts and tribunals. It further discusses the legitimacy of Iran's retaliatory missile attack on the US Ain al-Assad base in Iraq and its compliance with international law.

The contributing authors of the book delve into the underlying reasons for the actions of the Trump Administration and the rationale behind the assassination of General Soleimani from an extra-legal perspective. General Soleimani, in his final years, made significant efforts to combat terrorism in Syria and Iraq, particularly the terrorist group ISIS. The book argues that the assassination, framed as the "War on Terrorism," failed to convince legal scholars and instead exemplified the terrorist nature of the action.

The publication of the book by Qom University Press and with special contribution of the International Law Department of the University holds significance as the institution is a leading center for humanitarian studies in Iran. The Department has organized numerous national and international conferences, seminars, and programs focusing on International Humanitarian Law. Additionally, the simultaneous publication of the book in Persian, Arabic, and English reflects the Department's commitment to international audiences and signifies its Iranian-Islamic and Middle Eastern perspective on international legal issues.

2.1. Distinctive Features

The book possesses several notable features from the perspective of international law:

1. **Recognition of General Soleimani as an anti-terrorism figure:** In contrast to the statements of certain US officials and European governments, the book acknowledges General Soleimani's status as an anti-terrorism hero in the Middle East region. This departure in perception has led Western governments to take legal action against him while supporting Western political and military positions. By highlighting General Soleimani's anti-terrorism persona, the book offers a realistic and legally grounded perspective that challenges the misleading and self-serving statements made by Trump and the Trump Administration. The author contends that this outlook reflects a realistic and Eastern perspective on the assassination of General Soleimani.
2. **International consensus on the lack of legal justification for the United States' action:** Despite the majority of authors being distinguished professors from Iranian universities, the inclusion of non-Iranian authors in the book highlights the absence of sound legal justifications for the terrorist act committed by the United States, as acknowledged not only by Iranians but also by legal scholars from other countries. The book incorporates references that illustrate the US government's attempts to downplay its involvement in the act.
3. **Comprehensive examination from various perspectives:** The book explores the actions of the United States from diverse angles, encompassing topics such as treaty law, criminal law, the use of force, humanitarian law, and terrorism. By adopting a multidisciplinary approach, the book provides readers with a comprehensive understanding of the legal implications surrounding the assassination of General Soleimani.
4. **A treaty-based approach in examination:** A significant portion of the book relies on treaty law. Treaty law represents a fundamental component of international law that experiences minimal disagreement. Consequently, arguments based on treaty law are universally understandable. The examination of the United States' actions from the perspective of its agreements with Iraq (SOFA, 2008) and the "Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (1973)," as well as the "Draft Articles on Responsibility of States for Internationally Wrongful Acts (2001)," constitutes a significant portion of the articles in this book. Distinct from the majority of works published on the assassination of General Soleimani, this book does not solely focus on examining the nature of the United States' actions; it also considers the compliance of Iran's legitimate Self-Defense from the perspective of international law. This matter holds significance because conventional thought in international law deems legitimate self-defense as an inherent right in response to aggression and violation of political independence or territorial integrity. However, based on the accepted developments outlined in United Nations General Assembly Resolution 3314 on the definition of aggression, harm to the sovereignty of a State and its governmental authorities also allows for reference to self-defense.
5. **Provision of legal responses to frequent questions:** The legal warfare waged by the



United States and the European Union against the Islamic Revolutionary Guard Corps, known as IRGC, and the endeavor to label this official military force of the Islamic Republic of Iran as a terrorist entity, though addressed by the political entities of the Iranian government in recent years, prompts this book to offer a legal response to the claims and components of this legal warfare.

2.2. Limitations

While the book offers valuable insights, it has certain limitations:

1. **Temporal limitations:** The majority of articles in this book were written shortly after the assassination of General Soleimani, and significant international and domestic events have occurred since then which are not reflected in the book. These events include the transition from the Trump Administration to the Biden Administration and the absence of escalation of particularistic policies by the new government, which highlight the political and military responsibilities of the Trump Administration.
2. **Limited examination of recent developments in the case:** Several significant developments have taken place in the years following the writing of these articles regarding the case of the assassination of General Soleimani. These include the initiation of an Iranian-Iraqi lawsuit by the families of the victims in Iraqi courts and the agreement between the judiciary authorities of Iran and Iraq to pursue the legal aspects of this case. The book does not address these developments, which could provide valuable insights into the legal implications of the case. Readers seeking the most up-to-date information on these matters will need to consult additional sources.
3. **Potential bias and limited perspective:** As the articles are for the most part authored by legal experts from Iran, there is a possibility of bias or a specific perspective being promoted. While the book aims to provide a Middle Eastern viewpoint, readers should be aware that alternative perspectives may exist.
4. **Insufficient attention to diplomatic law and international immunity:** The book pays little attention to the dimensions of General Soleimani's assassination from the perspective of diplomatic law and international immunity. New documents presented during the judicial proceedings indicate that General Soleimani had traveled to Iraq at the official invitation of the Iraqi government and was on a diplomatic visit. Exploring these issues in greater detail would enhance the book's analysis of the case.
5. **Lack of discussion on Iran's legal instruments and potential future actions:** The book does not adequately address Iran's legal tools to encounter potential future actions by the United States. The new Iranian government, the Raisi Administration, has expressed a strong belief in pursuing national interests through international legal means. It would have been beneficial for the book to dedicate a section to the possibility of Iran bringing a lawsuit to the International Court of Justice and the potential outcomes of such legal action.
6. **Translation and language considerations:** A significant portion of the book was originally written in Persian and translated into English and Arabic. This may introduce po-



tential inaccuracies and misconceptions in legal facts and terminologies in the translation process. While efforts have been made to address this issue, readers should remain cautious about the possible impact on the precision of the legal content in translation.

7. **Limited accessibility to non-English sources:** The book relies in part on Persian sources, which may pose a challenge for the Arabic and English-speaking audience who may require the original sources for thorough comprehension. Although the logic recruited in authoring the articles is rooted in international law, it is essential to acknowledge the value of including non-English sources to reflect global concerns and perspectives in legal analysis.

Conclusion

"The Legal Implications of the United States' Strike on General Soleimani, His Associates, and Iran's Response" is a valuable contribution to the field of international humanitarian law, offering a comprehensive analysis of the assassination of General Soleimani. The book explores various legal dimensions, provides a Middle Eastern perspective, and challenges the justifications provided by the United States for its actions. However, readers should supplement their understanding with more recent developments and consider alternative viewpoints to gain a comprehensive understanding of the topic.

Acknowledgment

The author extends heartfelt gratitude to Dr. Mostafa Fazaeli, the Editor of the Book, and anonymous reviewers at IJICL, for their invaluable contributions in proofreading the draft and providing meticulous comments that have significantly enhanced the quality of this book review.