

## Legal Examination of Targeted Assassination and Violations of International Human Rights Law

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### Abstract

Targeted assassination has become a common policy among some states to advance their military and security objectives. This form of assassination can occur in various situations and conditions, whether during armed conflict or in peacetime. The means employed in such assassinations are not of primary importance. This concept has undergone significant changes following the events of September 11. Although it remains a policy and military tool that is still considered legal and legitimate under international law, it is utilized by certain countries, such as the United States, as a terrorist instrument, which lacks acceptance in the international community. It is essential to examine and analyze the doctrine of "targeted assassination" from the perspectives of international humanitarian law and human rights law. The military application refers to directing operations toward a specific person, location, or object for attack. Thus, targeting means guiding an operation to the direction where the attack should occur. The term "assassination" in "targeted assassination" shares similarities with the concept of extrajudicial execution, as both entail the taking of another's life. However, they differ conceptually in legal terms. The U.S. military action in the targeted assassination of the Quds Force commander clearly contradicts the principles and conditions of legitimate self-defense, constituting a gross violation of international law and international humanitarian law. International bodies must pursue appropriate measures to hold the U.S. accountable for such actions.

**Keywords:** Targeted Assassination, Quds Force Commander, Human Rights Law, Drones

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## Introduction

In the summer of 2014, following the hacking of the email account of the Kurdistan Region of Iraq's representative in Iran, correspondence was leaked that put this senior Kurdish official in front of media inquiries in Tehran. In these communications, one Iranian official was mentioned more than others: "the commander of the Quds Force." This was the first time a high-ranking official of the Kurdistan Regional Government explicitly and in detail discussed the decisive role of this commander, who had been referred by Iraqi media years earlier as the "shadow general." According to the Mehr News Agency, citing media from the Kurdistan Region of Iraq, in July 2014, the commander of the Quds Force warned about ISIS's impending attack on Erbil.

Following the ISIS assault on August 7, 2016, Barzani requested assistance from the United States and Turkey. Two days later, American fighter jets began operations in Erbil. This occurred while, 48 hours prior to the involvement of American fighter jets in the defense operations of Erbil, a unit of special forces, commanded by the Quds Force commander and at the personal request of Barzani, was engaged in combat alongside the Kurdish Peshmerga against ISIS. After repelling the threat from ISIS, Masoud Barzani personally sent a letter of gratitude to the President of Iran, stating that Iran had once again come to the defense of the Kurdistan Region of Iraq in its most challenging circumstances.

On Thursday, September 21, 2017, the commander of the Quds Force, during a speech at the memorial ceremony for the fortieth day following the death of Morteza Hosseinpour Shalamani, recalled his message regarding the death of Mohsen Hojaji and the promise of revenge made in that context. He stated that in less than three months, the declaration of the end of ISIS and its rule on this planet would occur. Two months later, at the end of November 2017, the commander of the Quds Force sent a message to the Supreme Leader of the Islamic Republic of Iran, announcing the conclusion of operations to liberate Boukamal and congratulating him on "the end of ISIS," referring to it as "a very significant and decisive victory." In this message, the commander of the Quds Force referred to ISIS as "American-Zionist" and estimated the damages caused by the operations of this group in Iraq and Syria to be 500 billion dollars, attributing the design and execution of these operations to "leaders and organizations affiliated with the United States." The Supreme

Leader of the Islamic Republic of Iran also sent a letter to the commander of the Quds Force, congratulating him and stating that:

"You have not only served the countries of the region and the Islamic world but also all nations and humanity by dismantling the malignant and lethal tumor of ISIS." Concurrently with the Quds Force commander's message to the Supreme Leader, Hassan Rouhani (the President) also congratulated the "Supreme Leader of the Islamic Republic, the Islamic Revolutionary Guard Corps, the Quds Force, and especially the commander of the Quds Force" on the end of ISIS. "

Based on this, the commander of the Quds Force has been at the forefront of the fight against ISIS terrorism for many years and has bravely confronted the actions of the terrorist group in Iraq and Syria. Despite this, the United States violated human rights and resulted in the martyrdom of the commander of the Quds Force and his companions (Zamani and Salmani, 2021).

The rules governing targeted killings in international law do not fall within the paradigm of armed conflict regulations, where the targeted individual is considered to be directly participating in hostilities and thus does not benefit from special legal protections. Furthermore, targeted killings cannot be placed within the paradigm of the enforcement of law, which is distinct from military operations outside of armed conflict zones. Targeted assassination acquires legitimacy only if it is conducted in the name of law enforcement, provided that a legal basis for such actions can be found in the domestic law of a country. If a targeted killing is carried out in the name of military operations, a military advantage must be defined for it, ensuring that no alternative non-lethal means were available to achieve that military advantage. This targeted assassination must be preventive rather than punitive and must be deemed necessary based on reasonable military standards.

In this context, adherence to the principles of proportionality and precaution adds to the obligations of the state that carries out the targeted killing. The invocation of a lack of unified sovereignty in Iraq, disregard for the agreement on the status of American and Iraqi forces titled "Agreement between the United States of America and the Republic of Iraq regarding the withdrawal of American forces from Iraq and the organization of their activities during their temporary presence in Iraq," and neglect of the legal establishment of Hashd al-Shaabi in Iraq as a recognized military force undermines the claim that the U.S. action

contributes to security in the region. In fact, the U.S. terrorist action against the commander of the Quds Force cannot be justified by the aforementioned points and lacks any legal basis. Therefore, considering all the precedents mentioned in this article, it discusses the legal aspects of the targeted assassination of the commander of the Quds Force.

## **Theoretical Framework**

### **1.The Concept of Targeted Assassination**

The first issue in the politics of assassination and targeted killing, much like terrorism, is the complexity of defining it. This matter has emerged as a new phenomenon since the year 2000. According to legal scholars, the reason for this complexity is the absence of a unified and consensus definition in laws, legal doctrine, and judicial practice.

Multiple legal definitions of the concept of targeted killing have been presented. The issues and topics defined in international law are objective, such as peremptory norms, which are defined in Article 53 of the Vienna Convention on the Law of Treaties. In contrast, issues that do not exist in international law and have entered legal discourse are subjective matters, like assassination and targeted killing. Therefore, the concept of targeted killing is a subjective rather than an objective concept.

In one definition, targeted killing is described as: an attack on individuals accused of terrorism, authorized and ordered openly or covertly by a state, with the intention of killing them whenever the opportunity arises (DJamalov, 2008: 2).

In another definition, targeted killing is described as the planned assassination of an individual by a state or its agents. Additionally, another definition states: "The intentional killing of civilians who are directly participating in hostilities and, as a general rule, cannot be arrested, with the permission and guidance of the state in a situation of international or non-international armed conflict" (Solis, 2007: 127-128).

Perhaps the most precise definition is one that states targeted assassination is "the application of military force by a subject of international law with the intent and prior planning, or intentionally killing an individual who has been specifically selected and is not in the custody of those intending to kill him" (Sartipi, Bordbar, and Mousazadeh, 2012: 48).

Targeted killing is considered legitimate when there is an ongoing international or non-international armed conflict. Without the presence of such a conflict, targeted killing would be regarded as political assassination. The designation of an armed conflict by a state or a non-state group, with the aim of applying the laws of war and conducting targeted killings, would be illegitimate. Generally, labeling a dispute as an armed conflict requires the occurrence of war between two states or non-state actors, such as in the case of a civil war. This conflict must be ongoing, sustained, comprehensive, and organized. Additionally, it should be clarified what type of force justifies invoking international humanitarian law as the governing law for that conflict. The most serious challenge is that the criteria set by the United States for declaring a dispute as an armed conflict may not be accepted by other countries, and the U.S. policy of targeted killing can be perceived as targeted and political assassination by other nations.

## **2. Martyrdom of the Quds Force Commander and Companions by the United States**

The commander of the Quds Force of the IRGC was martyred in a U.S. drone strike at Baghdad Airport in the early hours of Friday, January 3, 2020 (13 Dey 1398), along with Abu Mahdi al-Muhandis, a commander of the Popular Mobilization Forces in Iraq, and eight others. The U.S. Department of Defense announced that the order for this airstrike was issued by Donald Trump, the President and Commander-in-Chief of the United States. Prior to this event, incidents such as attacks on the Iranian consulate in Najaf and Karbala in November 2019, as well as damage to Iranian diplomatic sites, which were accompanied by supportive tweets from Trump and encouragement of Iraqi protesters, had led to confrontations with Iran. In justifying this operation, the United States referred to the right of self-defense against what it claimed were imminent attacks from Iran on its forces in Iraq. However, the events of January 3 were a preemptive action, taken solely based on the possibility of an attack from Iran, which is not supported by international law. Prior to January 3, 2020, the U.S. made no claims of being a victim of an armed attack; thus, this action does not align with the classic interpretation of Article 51 of the UN Charter. The U.S. assertion of an imminent threat emerged only after the assassination of the Quds Force commander, despite the then Prime Minister of Iraq, Adil Abdul-Mahdi, explicitly stating that the commander was engaged in a political and diplomatic mission among the governments of Iran, Iraq, and Saudi Arabia. This action against a foreign official and guest in a third country constitutes a clear violation of international law.

Furthermore, the January 3 operation cannot be justified even under the pretext of self-defense in Iraq, particularly based on the 2008 U.S.-Iraq Strategic Framework Agreement (SOFA). Although Section 5 of Article 4 of this agreement mentions the possibility of U.S. self-defense within Iraqi territory, this is not without limitations. Article 4, Section 2 clearly states the necessity of obtaining Iraq's consent for any operations conducted on its soil. Therefore, the unilateral action taken by the U.S. disregards the stipulations of this agreement, undermining its legitimacy under both international law and the established bilateral framework.

Additionally, according to Section 3 of Article 27 of the SOFA, no operations should be conducted from Iraqi territory against another country. Within this framework, even Barack Obama's doctrine, which advocated for a balanced use of U.S. power and considered the existence of a weak government reluctant to prevent third-party attacks as a justification for coercive actions, does not apply to the justification of the January 2020 terrorist action. This is because, regardless of its acceptance under international law, the aforementioned doctrine speaks of self-defense against non-state entities, not against states. Therefore, the U.S. action lacked legal grounding both in the context of the SOFA and international law.

Despite the fact that the U.S. action in assassinating the Quds Force commander and his companions constitutes a violation of international law, the necessity of establishing "aggression" as defined in Article 2, Section 4 of the UN Charter presents challenges for invoking the right to self-defense. There was no actual aggression manifesting as a threat of force or its use against the territorial integrity and political independence of the Islamic Republic of Iran. Consequently, Iran's reliance on the right to self-defense under Article 51 of the UN Charter appears to be questionable, as the conditions for such a claim are not met. This raises important considerations regarding the validity of asserting self-defense in this context.

Given recent developments, if U.S. military forces do not withdraw within the stipulated timeframe, their presence may be considered an act of aggression, thus allowing the Iraqi government the right to self-defense. In this scenario, Iraq could request intervention from Iran to achieve collective self-defense. However, it is important to note that neither Iraq nor the United States is a party to the Rome Statute of the International Criminal Court (ICC). Moreover, due to the U.S.'s position in the UN

Security Council, any referral of the situation to the ICC by the Security Council is unlikely. The Islamic Republic of Iran, while entitled to take non-military reciprocal actions against the U.S. government, may also refer the matter to international bodies, particularly the UN General Assembly and the Human Rights Council. (Zamani.2020:15)

### **3.Targeted Assassination of the Quds Force Commander from the Perspective of International Law**

#### **3-1. Legal Foundations of the Targeted Assassination of the Quds Force Commander from the Perspective of the Human Rights Council**

The relationship between the Islamic Republic of Iran and the UN Human Rights Council, particularly following the presidential elections of 2009 and the subsequent events, has faced significant challenges. On March 23, 2011 (Farvardin 3, 1390), the Human Rights Council adopted a resolution concerning the human rights situation in Iran (AHRC/16/L.25/Rev) and decided to appoint a Special Rapporteur to monitor the human rights situation in the country (Mohammadi, 2015: 48-25). The appointments of Ahmad Shaheed, Asma Jahangir, and Javaid Rehman, who served at different times as Special Rapporteurs to assess the human rights situation in Iran over the past decade, have influenced the relations between the Human Rights Council and the government of the Islamic Republic of Iran. Despite this, the UN Human Rights Council has remained relatively serious in its response to gross human rights violations, utilizing its specific mechanisms to investigate and monitor the situation.

The issue of "extrajudicial, summary, and arbitrary executions" was placed on the agenda of the UN Commission on Human Rights following a resolution by the United Nations Economic and Social Council on May 7, 1982. This topic has been extended and renewed multiple times by both that commission and its successor, the Human Rights Council.

Since that date until 2016, five Special Rapporteurs have been appointed to address this issue, with the responsibility assigned to Ms. Agnes Callamard from France starting in 2016. According to the resolution of the Human Rights Council, the Special Rapporteur is tasked with investigating situations where extrajudicial, summary, and arbitrary executions occur for any reason. They are required to report their findings, along with relevant recommendations, to both the Council and the United Nations General Assembly annually. In carrying out their responsibilities,

the Special Rapporteur establishes necessary communications with relevant governments and conducts visits to the countries under review when deemed necessary. Ultimately, based on a compilation of information, observations, documents, and evidence, they prepare their report. The annual reports submitted by Special Rapporteurs to the Human Rights Council have addressed various topics related to extrajudicial executions. The 2020 report by Ms. Callamard, presented at the forty-fourth session of the Human Rights Council, focused on the issue of "targeted killings via military drones," with a specific annex examining the case of the "commander of the Quds Force" (Abdollahi, 2020: 55-45).

### **Special Rapporteur System of the Human Rights Council on the Targeted Killing of the Commander of the Quds Force**

As previously mentioned, the issue of "extrajudicial, summary, and arbitrary executions" was placed on the agenda of the UN Commission on Human Rights following a resolution by the United Nations Economic and Social Council in May 1982. This topic has been extended and renewed multiple times by both that commission and its successor, the Human Rights Council. From that date until 2016, five Special Rapporteurs have been appointed to address this matter, with the responsibility assigned to Ms. Agnes Callamard from France beginning in 2016.

The annual reports submitted by Special Rapporteurs to the Human Rights Council have addressed various topics related to extrajudicial executions. The 2020 report by Ms. Callamard, presented at the forty-fourth session of the Human Rights Council, focused on the issue of "targeted killings via military drones." The annex of the report specifically examined the case of the "commander of the Quds Force" (A/HRC/44/38, 2020).

In the main section of her report, the Special Rapporteur emphasizes that despite the increasing use of military drones for targeted killings, this practice raises significant questions and challenges in the realms of international human rights and humanitarian law. However, the legal dimensions of this issue have not been adequately examined. Given the advent of the "second age of drones" and the widespread use of these weapons by both state and non-state actors, the various aspects of this topic have become an international security issue.



Furthermore, the attack on the commander of the Quds Force in January 2020 marked the first instance in history where a high-ranking official of a foreign government was targeted on the territory of a third state by a military drone operated by another government (A/HRC/44/38, 2020: P5). On one hand, advancements in the technologies used in military drones, along with a lack of transparency and sufficient accountability in their deployment, have created legal challenges and gaps that require special attention from both states and the international community (A/HRC/44/38, 2020: P22-29).

According to the Special Rapporteur, the rules governing the legitimacy of military drone use should be examined in three areas:

1. **Just War Theory (Jus ad Bellum)** - the law governing the justification for resorting to war.
2. **International Humanitarian Law (Jus in Bello)** - the law governing the conduct of parties during armed conflict.
3. **International Human Rights Law** - the body of laws that protects individuals' rights.

Ms. Callamard further analyzes the legal dimensions of targeted killings within each of these three legal frameworks. She concludes with her findings and recommendations regarding this issue.

As noted, the Special Rapporteur argues that the U.S. drone strike on the convoy carrying the commander of the Quds Force and his associates is considered legitimate under international law only if it complies with the principles and rules governing all three areas: Just War Theory (Jus ad Bellum concerning the justification for the use of force), international Humanitarian Law (Jus in Bello- governing the conduct of hostilities, and international Human Rights Law - protecting individual rights. The legitimacy of the strike hinges on whether it aligns with the standards established within these three legal frameworks.

### **Section One: The Assassination of the Quds Force Commander under Jus ad Bellum**

This section focuses on the rules governing the use of force as outlined in the United Nations Charter, particularly Article 2(4), which prohibits the use of force, and Article 51, which outlines the right to self-defense as an exception to this prohibition. According to Article 2(4) of the UN Charter, "All Members shall 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 United Nations. Article 51 of the UN Charter states:

"Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security. Members shall immediately report such measures to the Security Council and these measures shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security."

In her report, Ms. Callamard elaborates on the doctrine of "preemptive self-defense" as articulated by the United States and several other countries. She notes that, despite extensive discussions surrounding the various dimensions of the right to self-defense (and the acceptance or rejection of the preemptive self-defense doctrine), there is a general consensus that all states may defend themselves against an actual or imminent attack, provided that such an attack is sudden, severe, and unavoidable (A/HRC/44/38, 2020: P54).

The doctrine of preemptive self-defense was officially introduced by the United States in September 2002, following the September 11, 2001 attacks, in the "National Security Strategy of the United States." This doctrine has since been recognized by several other states. Ms. Callamard emphasizes the necessity of adhering to the constraints outlined in Article 51 of the UN Charter, particularly regarding appropriate communication between the concerned state and the Security Council. She argues that a state invoking the right to self-defense must provide a detailed report justifying its actions, demonstrating the imminence of the threat, and ensuring that the defensive measures are proportionate (A/HRC/44/38, 2020: P67).

The Special Rapporteur's emphasis on accountability aligns with the recent proposal by the Mexican government to the General Assembly regarding the "Analysis of Article 2(4) and Article 51 of the UN Charter." According to the report from the Special Committee on the Charter of the United Nations and the Strengthening of the Organization, dated March 2, 2020, Mexico and several other Latin American countries proposed a thorough examination of the various dimensions of Article 51 and its

interpretation. This initiative aims to prevent potential abuses of the right to self-defense.

According to the aforementioned proposal, it is particularly necessary to examine the obligations of a state invoking the right to self-defense regarding informing and providing appropriate and sufficient explanations to the Security Council. This includes considerations such as what content and matters should be included in the correspondence with the Security Council and what details should be addressed in justifying the military action taken in the context of self-defense. Additionally, what is the appropriate timeframe for submitting this correspondence to the Security Council, and must it necessarily occur prior to the attack?

What level of transparency and public disclosure of information, evidence, and reasoning is necessary in the mentioned correspondence, and what effects would the lack of accountability and response from other United Nations members to such correspondence have? In this regard, the Special Rapporteur has stated that on January 8, 2020, the United States justified its attack on the convoy carrying the commander of the Quds Force and his associates as an exercise of its right to self-defense under the Charter in a letter to the United Nations Security Council.

This correspondence is the only official communication from the United States regarding the attack and will therefore serve as the basis for legal reviews. In the mentioned letter, the United States asserts that the military attacks carried out in the months leading up to the incident by Iran or Iranian-backed militias (including Kata'ib Hezbollah) against U.S. forces and interests in the Middle East, as well as the U.S. intent to deter further attacks by Iran, constitute a justification for its right to self-defense. However, the Special Rapporteur believes that the alleged attacks were initially isolated incidents that were not escalating and were not temporally connected to military objectives (A/HRC/44/38, 2020: P57).

Some of the mentioned incidents have remained at the level of "threat" and do not constitute an "attack." Furthermore, even assuming the occurrence of the alleged attacks, the United States has not provided sufficient evidence and documentation regarding Iran's overall control over the militias that carried out these attacks. This is a criterion that, according to the established practice of the International Criminal Tribunal for the former Yugoslavia, is necessary for attributing the

actions of military groups to a state. On the other hand, according to the practice of the International Court of Justice, assistance to military groups in the form of supplying weapons or logistical support does not qualify as a "military attack" (A/HRC/44/38, 2020: P60).

Most importantly, all the attacks and incidents cited by the United States, even those that were directly against that country, pertain to the "past" and do not indicate that "an imminent attack in the future" will occur. As a result, in the opinion of the Special Rapporteur, the actions of the United States cannot be considered as self-defense against an imminent attack in the future (A/HRC/44/38, 2020: P61).

Even if it is considered that the United States had information indicating an imminent attack by the commander of the Quds Force with Iranian-backed forces against the U.S. in the near future, and that the option to prevent such an attack was a military strike against the convoy carrying the commander of the Quds Force, the U.S. still had the obligation to provide adequate evidence and supporting documentation of its claims to the Security Council to allow for an examination of that evidence by the Council. Such action was never taken by the United States government (Zamani and Soleimani, 2021).

Based on this, it can be concluded that the U.S. action in killing the commander of the Quds Force and his associates cannot be justified under international law regarding the use of force. Neither of the exceptions to the prohibition of the use of force—self-defense and the collective security system of the United Nations—are applicable to the U.S. military drone strike against the commander of the Quds Force and his associates.

#### **4.Targeted Assassination of the Commander of the Quds Force from the Perspective of International Humanitarian Law**

The fundamental point in applying the laws of war in conjunction with international humanitarian law is the description of the conditions under which the military attack occurs; in other words, humanitarian law is applied in situations of "armed conflict" (whether internal or international), while the primary context for the application of human rights rules is "peaceful" situations (City Knowledge Studies and Research Institute, 2015). At first glance, the attack on the convoy of the commander of the Quds Force and his associates is undoubtedly an attack on the military forces of a state (the Iranian government by another state, the United States). Ms. Callamard also points out that the U.S. has previously

attempted to label the Quds Force of Iran as a "terrorist group" to frame its actions and attacks against this force as part of a non-international conflict against terrorist groups, particularly Al-Qaeda. Such attempts by the U.S. are entirely unfounded and unjustifiable, and the assassination of the commander of the Quds Force is undoubtedly an attack on a state official (A/HRC/44/38, 2020, P 14).

Another question that needs to be addressed is the existence or absence of an "international conflict" between Iran and the United States, or whether the attack on the convoy carrying the commander of the Quds Force and his associates initiated such a conflict. The Special Rapporteur notes that the prevailing and accepted opinion in the International Committee of the Red Cross regarding the 1949 Geneva Conventions is that humanitarian law applies from the moment of the "first shot" between two states (A/HRC/44/38, 2020: P 14); in other words, an international conflict begins with the first shot fired by one state against another.

However, some others, including the International Law Association in its 2010 report on "The Concept of International Conflict in International Law," have distinguished between "military attack" and "military conflict," considering isolated and scattered attacks not to constitute an international conflict. Instead, they deem other factors, such as a significant duration of hostilities, necessary to establish the occurrence of the latter (A/HRC/44/38, 2020: para 14). In examining each of the two mentioned approaches, the Special Rapporteur believes that applying the rule of the first shot and, consequently, describing the attack on the convoy of the commander of the Quds Force and his associates presents multiple challenges, the most significant of which are:

First, in the months preceding the mentioned attack, other events occurred between the two countries (including the downing of an American drone in Iranian airspace by Iranian military forces) which, if the rule of the first shot is applied, would necessitate considering each of these events as an international conflict between Iran and the United States. This would imply that from the date of the first confrontation, an international conflict between the two countries had begun, and the attack on the convoy of the commander of the Quds Force would also be part of the ongoing international conflict.

Second, neither the governments of Iran nor the United States have declared that a state of conflict existed between them in the months leading up to the attack. Rather, the mentioned governments ultimately spoke of a

"deterioration or worsening of the situation." After the attack on the convoy carrying the commander of the Quds Force, the U.S. officially stated that the United States is currently not engaged in any military conflict against Iran. The Iranian Foreign Minister also characterized the attack as a "terrorist act" and did not mention the occurrence of an international conflict between the two countries (paragraph 24 of the annex). The Special Rapporteur acknowledges that for the establishment of a state of international conflict, an "announcement" of the occurrence or outbreak of conflict by governments is not necessary; however, it is noted that at a minimum, statements on this matter are expected to be heard from the countries involved in the conflict.

Furthermore, in the event of an international conflict, it is expected that international bodies and members of the United Nations will respond to the situation. However, in the matter at hand, the Secretary-General of the United Nations and several UN member states have only mentioned the possibility of a "deterioration of the situation," without referencing the initiation or continuation of an international conflict (A/HRC/44/38, 2020: P 26). On the other hand, the Special Rapporteur also addresses the issue that describing the situation as an armed conflict may present limitations and challenges; for instance, it could overlook the complementary role of human rights rules in the application of humanitarian law (A/HRC/44/38, 2020: P 33). In contrast, Ms. Callamard believes that in situations where establishing the nature of armed conflict is challenging, the application of human rights can more reasonably and appropriately support potential objectives and civilians (A/HRC/44/38, 2020: P 34).

In her opinion, such an approach should also be applied to extraterritorial attacks within the territory of non-belligerent states, as these attacks occur outside the territory of certain belligerent states and, therefore, cannot be considered part of an armed conflict and subject to humanitarian law. The rejection of such an approach implies that individuals and civilian objects located in the territory of a non-belligerent state may be exposed to harm from an attack solely because a targeted individual is nearby, while respecting the principle of proportionality. To support this approach, the Special Rapporteur refers to a report by the International Committee of the Red Cross, which states that in non-international armed conflicts, if the targeted killing of non-state actors involved in the conflict occurs within the territory of a third non-belligerent state, the attack is governed by international human

rights law, rather than international humanitarian law, as no hostilities are taking place in that territory.

Conversely, if the recent approach is not accepted and the rule of the first shot is used to describe such situations, one consequence of this approach is that "any military forces" anywhere in the world would be considered a "legitimate military target." In this case, we would face "very short-term" international conflicts, and the distinction between "war" and "peace" would nearly disappear. Accordingly, Ms. Callamard believes that the legal framework governing the U.S. drone attack on the convoy carrying the commander of the Quds Force is "international human rights law," and that an international conflict between Iran and the United States has not occurred.

The approach taken by the Special Rapporteur regarding the description of the situation surrounding this attack, which she has previously articulated, is inconsistent with the approach accepted by many legal scholars and international organizations. Ms. Callamard has explicitly referred to the differing approach of the International Committee of the Red Cross on this matter. For example, Ralph Janik, in an article published shortly after the event in question, stated that accepting the theory of the first shot means that all soldiers, wherever they are, are considered legitimate targets, which leads to the erosion of the distinction between states of war and peace.

On the other hand, considering the importance of applying the theory of the first shot in protecting civilians, the wounded, prisoners, and others, a middle ground can be chosen. This involves the limited application of certain humanitarian law rules, including the necessity of adhering to the principle of distinction and the prohibition of direct attacks on civilians, in specific situations as akin to the targeted killing of military forces of a state. Another writer expressed at that time that: "In principle, a military attack that occurs in violation of the laws of war constitutes a violation of the right to life and the prohibition of arbitrary deprivation of life (Article 6 of the International Covenant on Civil and Political Rights), and thus, in the current era, we must move beyond discussions of specific and general rights."

Another perspective, while acknowledging the supportive aspect of the theory of the first shot and its alignment with the lofty goals of international humanitarian law, considers the current situation unique due to the attack on a state official (the commander of the Quds Force) on the



territory of a third state (Iraq). Consequently, it is appropriate to consider other criteria, such as the declaration of war or the military response of the attacked state, in describing the situation definitively as an international armed conflict.

Another viewpoint, while affirming the supportive aspect of the theory of the first shot and its alignment with the lofty goals of international humanitarian law, regards the current situation as having specific characteristics due to the attack on a state official (the commander of the Quds Force) on the territory of a third state (Iraq), which distinguishes it from previous examples. Consequently, it is appropriate to consider other criteria, such as the declaration of war or the military response of the attacked state, in definitively describing the situation as an international armed conflict.

Ms. Callamard, in her report, examines the legitimacy of the U.S. attack based on human rights law. In this regard, she emphasizes Article 6 of the International Covenant on Civil and Political Rights, which states that arbitrary deprivation of individuals' right to life is prohibited, and General Comment No. 36 by the Human Rights Committee, which asserts that this prohibition applies in all circumstances, including situations of armed conflict. International judicial practice has also consistently affirmed the necessity of respecting this human right extraterritorially, and as a result, states are obligated to respect the right to life of all individuals within their territory or under their jurisdiction, or individuals who are otherwise under the effective control of the state, and to refrain from arbitrary deprivation of their lives (A/HRC/44/38, 2020: P41-42). One of the circumstances that places individuals under the power or effective control of states is the use of military drones by those states.

On the other hand, it is important to consider that in determining the "arbitrariness" of a killing by a state, the context and circumstances surrounding the killing must be appropriately taken into account. In fact, Article 6 of the Covenant contains a positive obligation for states to defend and protect the lives of individuals under their jurisdiction, including through appropriate preventive measures against real and immediate threats arising from a terrorist attack. In such situations, the specific circumstances of each case, including the characteristics and nature of the threat in question, can be significant in determining whether the killing is arbitrary or not (A/HRC/44/38, 2020: P45-47).



In this context, regarding the attack on the convoy of the commander of the Quds Force and his companions, three issues should be taken into account: first, the design and planning of the military attack using a drone and the disregard for alternative options; second, the lack of sufficient evidence and indications that the target of the attack posed a serious and imminent threat to the United States; and third, the justification for the killing of nine other companions of the commander of the Quds Force (five of whom were Iraqi nationals), for whom the United States has not claimed the existence of an imminent threat.

According to the Special Rapporteur, the United States has failed to adequately justify any of the three issues mentioned above; instead, in its letter to the Security Council and subsequent statements, the U.S. has merely claimed ambiguously and without the necessary documentation that the commander of the Quds Force was planning imminent attacks against American diplomats and military personnel. Accepting statements and claims by states to justify the existence of an imminent threat in order to prove the legitimacy of self-defense eliminates the possibility of thorough examination of the matter by relevant bodies and public opinion. It also reinforces the likelihood that the attacking state did not consider other options, including arrest and detention (A/HRC/44/38, 2020: P50). Ryan Goodman, a law professor at New York University and a member of the U.S. State Department's Advisory Committee on International Law, has raised similar criticisms regarding the need for congressional authorization for military action.

In addition, respect for the right to life and the prohibition of its arbitrary deprivation entail procedural obligations that enable the proper evaluation of compliance with substantive duties. The resort to lethal force must be governed by a clear and effective legal framework, and the process of designing, planning, and monitoring military operations should be conducted in a manner that minimizes the risk of deprivation of life. Ultimately, there must be an effective and independent mechanism for conducting investigations and holding accountable those who violate the right to life (A/HRC/44/38, 2020: P52).

Finally, the Special Rapporteur, while noting the failure of the United States to comply with the aforementioned requirements, states that even assuming that, based on existing international documents, the Quds Force and its commander committed violations of international law, the United States could and should have sought to provide an opportunity for

addressing the allegations against them in a competent international body, rather than arbitrarily resorting to the deprivation of their lives.

In the final section of his report, the Special Rapporteur considers the attack on the convoy carrying the commander of the Quds Force and his companions to be a violation of Iraq's territorial integrity and an instance of military aggression, given that it occurred in Iraqi territory without the consent of that country. In fact, according to international law, self-defense against an invasion of a country's territory is only permissible if there has been an armed attack on that country, and that country has requested defense; neither of these conditions applies to the U.S. attack. In its letter to the Security Council dated January 6, 2020, the Iraqi government explicitly and officially regarded the U.S. action as a violation of Iraq's territorial integrity and an act of aggression against its territory.

The Special Rapporteur also finds the justifications provided by U.S. officials regarding the Iraqi government's failure to prevent attacks and threats against U.S. military personnel in Iraq insufficient to justify the attack. Given the explicit objection of the Iraqi government to this attack, she describes it as a violation of Iraq's territorial integrity. According to Ms. Callamard, the doctrine of "failed or unwilling states," which has been used by the U.S. and some other governments to justify attacks on certain countries in the fight against the Taliban and other terrorist groups, is not applicable in this case, even if it were valid. This is because, first, the alleged threats against U.S. interests or forces are not confined to Iraq but involve several countries in the Middle East. In fact, numerous countries in the Middle East, and even Russia, have been visited by the commander of the Quds Force, and accepting the U.S. claim implies that the presence of the commander in any of these countries gives the U.S. the right to attack and invade that country's territory to neutralize the alleged threat (A/HRC/44/38, 2020: P73). Second, even in applying the doctrine of failed or unwilling states, the U.S. must not only prove the "failure or unwillingness" of the Iraqi government but also demonstrate other conditions such as the existence of an imminent threat, necessity, and proportionality of the attack. Such evidence has never been provided by the United States, nor has there been any attempt to justify these aspects (A/HRC/44/38, 2020: P75-78).

## **5. Targeted Assassination of the Commander of the Quds Force by Drones**

### **5-1. Violation of the Right to Self-Defense through Terroristic Drone Attacks**

The first concern regarding the justifications for U.S. actions related to the assassination of the commander of the Quds Force arises from the claim that "he was planning imminent and sinister attacks against American diplomats and military personnel." This raises the legality of so-called preemptive defense against imminent armed attacks and attacks that have not yet commenced. This reveals the first gap among commentators. On one side are experts who believe that "the law does not permit the use of military force in response to a possibility and claim of a future attack," noting that "no court or international tribunal has ever affirmed this matter."

On the other hand, we find those who provide a broader interpretation in this matter, believing that it is a situation "requiring immediate defensive action to successfully repel" an imminent attack; even if that attack is not (yet) "imminent" (Fariwar and Bardamir, 2020). The UN Special Rapporteur Agnes Callamard, regarding extrajudicial or arbitrary executions, states: "The well-known Caroline formula appears to suggest a middle ground, proposing that 'a state may defend itself against an ongoing and continuous attack as well as against an imminent attack, where the attack is "immediate and overwhelming and leaves no choice of means and no moment for deliberation"' (Callamard, 2009).

However, all experts who commented on this law expressed doubts about whether the facts were sufficient to meet even the threshold established by a broad interpretation of the right to preemptive self-defense. Milanović explicitly states:

"Action against the commander of the Quds Force... is explicitly unlawful. The failure to provide any specific details publicly and the lack of disclosure of information by the United States that would contradict U.S. interests raise serious doubts about whether the various justifications presented to cover this action under the guise of preemptive defense are adequate. Likewise, the rationale of deterrence and prevention to justify the assassination of the commander of the Quds Force collapses under the weight of its own failure; a failure that was easily foreseeable."

The second issue relates to the U.S. argument that this military action was not solely for preemptive defense against future armed attacks, but rather "in response to a series of armed attacks in recent months by the Islamic Republic of Iran and Iranian-backed militias against U.S. forces and interests in the Middle East" (U.N. Doc. S:2020).

According to U.S. officials, this includes several incidents in 2019: (1) the downing of the U.S. MQ-4 drone in June; (2) a threat to the USS Boxer by an Iranian drone in July; (3) multiple missile attacks by Hezbollah (backed by the Quds Force) against Iraqi bases hosting U.S. personnel in November; and (4) military exchanges previously mentioned on Iraqi (and Syrian) territory in December and (early) January 2020. Furthermore, the United States claims that this series of attacks falls within the context of other threats against international peace and security posed by Iran, including against Saudi Arabia (through its Yemeni proxies) and international trade.

Another question is whether the United States had the right to take defensive action against an attack or a series of attacks carried out by Iranian proxy forces in Iraq. All commentators agree that under international law, a country must be held responsible for the actions of its agents. Most refer to complete and/or effective control as the relevant standards for determining the representation of groups by a specific state, although the latter confusingly also refers to the criterion of overall control, which, according to these standards, has been rejected by the International Court of Justice in attributing the actions of a non-state actor to Iran (as a supporter). Hawk and Callamard, advisors to the Security Council, explicitly state that attacks by "militias" (even if proven to be supported by Iran) cannot solely be attributed to Iran based on the tone and language of the official justification letter from the United States to the United Nations Security Council. Some other writers have argued that the link between Hezbollah and Iran goes beyond mere material support. Thus, all writers agreed on this aspect of the law; however, commentators disagree on its application to specific instances. In other words, while it is true that this law permits action by the United States, Iran's actions do not constitute (ongoing armed attacks, etc.) at all.

The fourth and final issue focuses on the location of the assassination of the commander of the Quds Force: the capital of Iraq, Baghdad. The opposing stance regarding this matter is briefly described by Milanović:

"[Any] justification must be applicable against both Iran and Iraq, as the attack occurred on Iraqi soil without the consent of the Iraqi government. According to restrictive theories of self-defense, such an argument would not hold... Iraq had no involvement in any imminent attack against the United States. For expansionists, this situation would be akin to self-defense against non-state actors; based on an unexpected or incapacitated theory, the use of force in the territory of a state where the attacker is located requires justification of the necessity to urgently stop that attack.

Scholars who advocate for limitations on such actions strongly reject military action against a country solely because its government has failed to prevent its territory from being used as a launchpad for harmful operations against another state. Even if the United States were successful in arguing self-defense for actions taken against Iran, it could in no way justify actions on Iraqi soil. However, another group acknowledges that the "unexpected or incapacitated criterion" may provide a justifying pathway for the United States. It seems there are two views regarding this argument.

According to this case, Milanović states that the United States must provide justifications regarding the location and timing of the attack and also prove that it could not obtain permission from the Iraqi government (for example, due to collusion with Iran) and that the attack was urgent enough that it could not wait for another opportunity to strike. Both Labouda and Milanović address this theory on its merits (impartially), without endorsing it through this approach. However, ultimately, both conclude that, considering the legal consequences and/or simply because the United States has failed to bear the burden of proof for its action, it has not justified the action, and no one will be satisfied with it.

Similarly, Special Rapporteur Callamard noted that support for the doctrine is entirely different; however, it has nonetheless been used by states to justify the use of military force.

Regarding the assassination of the commander of the Quds Force, this doctrine does not apply for three reasons: (1) the "threat" to be neutralized is a high-ranking government official who is prone to international travel, indicating that he could be targeted anywhere in the world. (2) Many of the alleged attacks against the United States were not related to Iraq, and it did not appear that Iraq was the intended location or the site of an imminent attack. (3) There was no evidence of Iraq's incapacity or

unwillingness to cooperate, given its ongoing support in the fight against the Islamic State (ISIS) and the lack of consultation prior to the drone strike.

Overall, commentators disagree on whether the right to self-defense and military action arises against attacks that have not yet commenced (or are not even imminent). However, none accepted that the United States could justify its attack against the commander of the Quds Force of Iran (even with a broad interpretation). Additionally, while some accepted the theory of multiple events, others argued that the attacks had concluded and none were imminent, while yet others argued exactly the opposite. The second group then disagreed on whether past attacks were sufficiently related to apply the doctrine in this case. Furthermore, there was no consensus on the nature of the relationship between Hezbollah and Iran to attribute the former's actions to the latter, potentially justifying the action in this way. In line with the aforementioned remarks, it should be noted that there are differing views regarding the status and the criterion of incapacity or unwillingness as part of the right to self-defense, as well as whether Iraq possessed this criterion (capacity and willingness to take action).

As a result, in addition to the agreement on the obvious fact that the Trump administration failed to present a convincing argument, international lawyers also showed frustrating disagreement in their assessments and in aligning actions with the right to self-defense. As mentioned in previous paragraphs, accurate analysis often depends on the correct application of facts to the law; therefore, differing perceptions of reality that may influence the final outcome are somewhat inevitable, especially when commentators express their views while the story is still unfolding.

However, a much more concerning issue is the extent of disagreement regarding many applicable legal standards: Is military action against imminent armed attacks permissible under international law? Does "imminent" (exclusively) consist of a temporal element, or does it also encompass aspects of necessity and causation? Is the concept of imminence construed the same way for self-defense against an armed attack compared to a series of attacks, or does the legal "clock" tick more slowly? At what point in continuity should such a series of attacks be considered as a whole? And regarding the criterion of incapacity or unwillingness as part of the right to self-defense: does this criterion apply in a triadic situation between two states or against non-state actors?

None of these questions have clear answers, and thus, the legal analyses in this case have been presented without any indication of how to evaluate the relevant authorities. As will be shown below, this picture becomes even more ambiguous when it branches into other areas of international law.

## **5-2. Violations of International Human Rights Law through Drone Strikes**

As Christoph Heyns, former UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, rightly pointed out: "For a specific drone strike to be lawful under international law, it must comply with all applicable international legal regimes and meet legal conditions."

Following the discussion of the law of going to war (self-defense) in the previous section, many commentators are seeking answers to the question of whether the drone strikes that resulted in the assassination of the commander of the Quds Force constituted an international armed conflict (or its continuation) between the United States and Iran/Iraq, and thus would be governed by the law of war. Given that the attack occurred during peacetime, the question arises as to whether the United States violated international human rights law by assassinating at least 10 individuals, even if the use of lethal force occurred outside U.S. territory.

Once again, there were diverse views among experts. Perhaps the simplest of these was that the attacks themselves constitute the beginning of an international armed conflict and are therefore examined under the laws of war. This arises from the so-called "first shot rule," which stipulates that "unlike situations where there is no international armed conflict, it must be demonstrated that hostilities have reached a specific threshold of intensity sufficient to initiate an international armed conflict."<sup>1</sup>

The group of experts examining the attacks under the law of war believes (or at least did not dismiss the possibility) that an international conflict has continued since the onset of attacks against U.S. forces and installations in Iraq in November 2019.

Corten, Lagoutte, Koutrolis, and Dubisson stated: "If the attacks are contrary to the law of armed conflict, then the 'arbitrary' deprivation of life (assassination) is also contrary to Article 6 of the International Covenant on Civil and Political Rights."<sup>2</sup>

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<sup>1</sup>. Corten & others, *supra* note 19, at 16. See also Corn & Jenks, *supra* note 19

<sup>2</sup>. Corten & others, *supra* note 19, at 18-21 (specifically 21).



However, unlike their colleagues, they concluded that the attacks may be contrary to the right to war: (1) no enemy combatant can be treacherously killed through "assassination." (2) The commander of the Quds Force was likely participating in negotiations between Iran and Saudi Arabia mediated by Iraq. If this statement is true, given his status as a political representative, he would have been entitled to immunity. If either of these scenarios is accurate, this action does not fall under the right to war, and international law has been violated in this regard.<sup>1</sup>

Other commentators are dissatisfied with this framework; for example, Janik accepted the theory that even targeted killings can correspond to the definition of international armed conflicts (ultra-brief). However, relying on the views of Jan Klabbers, it can be argued that this does not lead to the application of the law of the right to war: "Only the protective aspect of the principle of distinction—the prohibition of direct targeting of civilians—should also apply in situations involving the killing of armed forces of a foreign state."<sup>2</sup>

The important point is that lethal actions cannot be justified based on military necessity or their proportionality to the situation. Accordingly, Janik has concluded that the United States has indeed "violated the right to life of the commander of the Quds Force."

Ultimately, the United Nations Special Rapporteur concluded that, overall, the right to war is not applicable in this regard: "The United States and Iran were not engaged in an armed conflict before or after the attack, nor at the time of its occurrence, and the attack took place in a civilian environment in a region outside of hostilities and in a non-belligerent country."<sup>3</sup>

It then concluded that after considering the various "challenges" to the first shot rule: (1) taking into account all incidents between Iran (Iran-supported militias) and the United States, it is unclear whether there are dozens of armed attacks between the two countries, a single (ongoing) attack, or none at all; (2) most institutional and individual commentators refrained from labeling the tensions between Iran and the United States as a full-blown armed conflict—just as the states themselves did; (3) the

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<sup>1</sup>. Corten & others, *supra* note 19, at 20-1. See also: Customary (IHL Database – Rule 67)

<sup>2</sup>. Janik (Part II), *supra* note 19.

<sup>3</sup>. Callamard, *supra* note 19, at § 39



geographical scope of the attacks and their operational factors were unclear.

Callamard believed that the use of a drone to eliminate an individual outside the country is "the ultimate exercise of physical power and control over individuals."<sup>1</sup>

Callamard believed that the use of a drone to eliminate an individual outside the country is "the ultimate exercise of physical power and control over individuals." Consequently, the United States should have adhered to its human rights obligations, even if the action took place on Iraqi soil. Furthermore, she agreed that an aggressive assassination is necessarily arbitrary.<sup>2</sup>

As a result, "the action taken by the United States was illegal." While the disagreement among commentators is surprising, all agreed that there was no legal regime that could justify or enforce the attack on the commander of the Quds Force. However, some believed that the answer could only be found in self-defense and the right to war, while others saw the response solely within the framework of international human rights law.

The ongoing disagreement among commentators is surprising, as all agreed that there was no legal regime that could justify or enforce the attack on the commander of the Quds Force. However, some believed that the answer could only be found in self-defense and the right to war, while others viewed the response solely within the framework of international human rights law.

In the past twenty years, several countries, including the United Kingdom, the United States, and NATO, have utilized drones in their military operations. Drones are significant from a military perspective as they can eliminate enemies without endangering the lives of their own forces from thousands of miles away. Since the September 11 attacks, various U.S. administrations under Presidents Bush, Obama, and Trump have employed drones for targeted killings in locations such as Afghanistan, Iraq, and Yemen in their "war on terror." Generally, a targeted killing may be defined as follows:

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<sup>1</sup>. Compare with Talmon & Heipertz, *supra* note 70

<sup>2</sup>. at p 44 (compare with Gurmendi, *supra* note 78). For further analysis under IHRL, see *id.*, at pp 45-53.

"The intentional, premeditated use of lethal force by states or their agents under cover of law, or by an organized armed group in an armed conflict, against an individual who is not in the physical custody of the perpetrator." (Alston, 2010).

What distinguishes this assassination from previous U.S. drone strikes is the fact that the commander of the Quds Force was a government official, rather than an informal actor like Osama bin Laden or Abu Bakr al-Baghdadi, or the leader of ISIS. Nancy Pelosi, Speaker of the U.S. House of Representatives, claimed that the assassination of the commander of the Quds Force could be compared to an attack on Mike Pence, the Vice President of the United States. Overall, the use of drones has faced severe criticism, as drones, despite their high accuracy, have resulted in the death of many innocent civilians.

It is estimated that U.S. drones killed 2,181 civilians in Afghanistan, Pakistan, Somalia, and Yemen from 2004 to March 2020. Another concern regarding the use of armed drones to target individuals is that it creates a "PlayStation" or "button-pushing" mentality for operators, whereby they do not consider that they are targeting human lives, due to the geographical position and psychological distance, as human beings are merely seen on a screen.

Rights organizations have criticized drone strikes, stating that in some cases, the use of these drones may result in extrajudicial killings and war crimes. Jeffrey Robertson, a human rights lawyer, states: "Drone strikes against any person are unlawful." He accuses the Pentagon of secretly condemning individuals to death for unproven crimes. As UN Special Rapporteur Agnes Callamard on extrajudicial executions has said, "Outside the principle of existing hostilities, the use of drones or other means for targeted killings is almost never permissible."<sup>1</sup>

However, experts such as international law professor Kenneth Anderson exist, who reject many of the ethical and legal objections to drones and view them as an effective tool in the U.S. counter-terrorism strategy.

It is important to emphasize that international law has not prohibited targeted killings by drones as long as specific legal criteria are met. In the case of the assassination of the commander of the Quds Force, it is essential to first identify the applicable legal framework that may be

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<sup>1</sup> . <https://twitter.com/agnescallamard/status>

justified under the so-called self-defense (the conditions under which states may resort to war or the general use of armed force) or the right to war (the regulations governing the behavior of parties engaged in armed conflict).

## Conclusion

In the absence of any armed conflict between the United States and Iran at the time of the attack on the commander of the Quds Force, which should be seriously emphasized by the Iranian government, human rights norms serve as the general rules applicable in peacetime and form the basis for evaluating the armed attack that took place. What has occurred here is an act of killing and assassination, a deliberate taking of life. The right to life is a fundamental human right, and its significance in the framework of human rights is self-evident. Extrajudicial and arbitrary deprivation of the right to life is prohibited and constitutes a gross violation of human rights.

Of course, the deprivation of life as a punishment, following a fair trial, can be considered legal. Similarly, killing another in self-defense is permissible under certain conditions. It is within the framework of this rule and its exceptions that the targeting of Martyr Soleimani can be assessed. The U.S. government's action in targeting the commander of the Quds Force constitutes a "targeted assassination," which, according to U.S. officials, was carried out with prior planning. Targeted assassination is a strategy through which the U.S. regime systematically eliminates individuals without arrest and trial. This action is illegal as it serves as an alternative to apprehending and trying an individual while disregarding their right to defense, constituting extrajudicial killing and assassination, which constitutes a gross violation of human rights. In addition to violating an individual's right to life, many fundamental principles of human rights are also violated by targeted assassination.

States are not free to choose the methods and means of warfare. The first limitation on this choice is the application of the principle of distinction between combatants and non-combatants, as well as military and civilian targets. International humanitarian law prohibits the use of weapons, missiles, materials, and methods of warfare that cause severe injury and suffering. Drones do not inherently function as indiscriminate weapons that cause significant pain and suffering; therefore, it cannot be stated that these modern tools of warfare are prohibited under international law.

There is no doubt that in peacetime, the use of drones for targeted killings in Pakistan, Afghanistan, and other countries, without the consent of those nations, constitutes a clear violation of the peremptory norm of international law, specifically the principle of non-intervention. Consequently, according to the rules of humanitarian law, only specific uses of these drones can raise challenging legal issues. One of these issues is targeted assassination using such drones.

By targeting the commander of the Quds Force in a targeted terrorist operation, the United States not only committed an extrajudicial killing but also absolved itself of the heavy burden of proving the extensive accusations made against the martyr general. The unjust nature of the U.S. action is so evident that shortly after the assassination of the commander of the Quds Force, Dr. Agnes Callamard, the UN Special Rapporteur on extrajudicial, summary, or arbitrary executions, stated in a series of tweets that the U.S. drone strike, occurring outside the time of armed conflict, constitutes extrajudicial killings that warrant formal investigation.

Ultimately, it can be said that no country has the right to assassinate any military commander of another state, even if they have committed hostile acts against that state (in this case, the U.S.). In such instances, their home state bears international responsibility, and the U.S. has no right to claim it is administering justice on behalf of the victim. Otherwise, international relations would descend into chaos, leading to increased instability and the risk of war among states. Therefore, the targeted assassination of the commander of the Quds Force is condemned and cannot be justified by any international rules or instruments.

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