Indonesian Journal of International Law

Volume 18
Number 4 *Innovation & Intellectual Property II*

Article 6

7-31-2021

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Indonesian Journal of International Law (2021), Vol. 18 No. 4, pp. 571-592
https://doi.org/10.17304/ijil.vol18.4.824

INTERNATIONAL LAW REVIEW IN THE ASSASSINATION OF GENERAL QASEM SOLEIMANI

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Abstract

International law is formed by the global community to establish legal rules, norms, and standards of behavior between sovereign nations to create a peaceful world order. However, since the world order is anarchy with no supreme executive authority, obedience and disobedience to international law often depends on the state's power. For instance, the assassination of General Qasem Soleimani, a prominent Iranian general, by the US military in Iraqi territory sparked a debate about international law. This article shows that the US action violated International Humanitarian Law (IHL) and International Human Rights Law (IHRL). Additionally, it violated the UN Convention for the Suppression of Terrorist Bombings and Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents. These arguments are based on the unproven claims of self-defense and imminent attack and violation of necessity and proportionality. Furthermore, the US committed limited state terrorism based on its behavior characteristics in this case.

Keywords*: international law, Iran, Iraq, US, Qasem Soleimani, state-terrorism.*

Submitted : 14 December 2020 | Revised : 19 February 2021 | Accepted : 25 June 2021

I. INTRODUCTION

The conflict between Iran and the US has been there since 1980s, yet they have never fought. The feud between the two countries began after the Islamic Revolution, led by Ayatullah Khomeini, overthrew monarchist government of Shah Pahlavi. The Pahlavi regime and the US government are allies with a patron-client relationship, apart from Saudi Arabia. The US protects the Pahlavi dynasty to remain in power and *vice versa*, with Iran being the largest buyer of US military equipment. About 500 US companies ran businesses in Iran, mainly in the oil and arms sector.[1]

Iran's Islamic Revolution changed the relations between the two countries, from allies to enemies. This shift happened because the new government in Iran refused to continue the patron-client relationship as in the Pahlavi era.

[1] Sasan Fayazmanesh, *The United States and Iran Sanctions, Wars and The Policy of Dual Containment* (New York: Routledge, 2008), 12, 14.

On November 4, 1979, about eight months after the government changed, several Iranian students occupied the US embassy in Tehran to protest the actions and protect Shah Pahlavi. They held dozens of embassy staff hostage until 444 days later, the US retaliated by freezing Iranian assets at US banks and enforced an economic embargo.[2] Iran unsuccessfully attacked the US a month following the hostages and was invaded by Iraq starting September 1980. Various documents show that the US supported this attack and publicly expressed a desire to change the Iranian government. [3]

The Iran-Iraq War ended after eight years with a *status quo* position in which Iran did not lose territory, and the government remained. However, the US continued to pressure Iran through an economic embargo and support for anti-government groups. Its alliance with Saddam's regime deteriorated after 2001, with the US government accusing Iraq of involvement in 911 and storing the biological weapon. In 2003, the US invaded Iraq, overthrew Saddam, and occupied the country until 2011. Al Qaeda Iraq (AQI) declared and started a self-claimed holy war (*jihad*) against the Shiites in 2004 and joined other militias to form the Islamic State of Iraq (ISI) in 2005. ISI joined forces with Al Qaeda militias in Syria in 2013 to form the Islamic State of Iraq and Syria (ISIS).

ISIS's strength was increased by early 2014 and occupied an extensive area in Iraq and Syria. It occupied the Syrian city of Raqqa in January 2014 and it the capital of the Islamic Caliphate, and took over control of Mosul, the second-largest city in Iraq, in June 2014. This made the Iraqi government seek help from the US to fight ISIS. The US, which had withdrawn its troops from Iraq in 2011, returned and formed an international coalition with the country to defeat ISIS in September 2014.

The prominent Iraqi Shia cleric, Ayatollah Sistani, issued a *fatwa* on the holy war against ISIS. The government formed a volunteer anti-ISIS militia called the Popular Mobilization Forces (PMF), comprising Shia, Sunni, Chaldean Christian, Shabak, and Turkmen. [4] Iran assisted by sending troops led by Major General Qasem Soleimani, Commander of the Quds Force of the Islamic Revolutionary Guard Corps (IRGC). This was the official division of the Iranian armed forces. Qasem Soleimani played helped coordinate attacks against ISIS, working with the Iraqi military. In November 2017, Iraq and Iran governments declared that ISIS had been defeated. The Iraqi government

[2] Ibid., 12.
[3] Ibid., 17-19.
[4] Philippe Atallah, "The Future of Iraqi Popular Mobilization Forces," Foreign Policy Research Institute, accessed 3 November 2020, https://www.fpri.org/article/2019/08/the-future-of-the-iraqi-popular-mobilization-forces/.

formally integrated PMF militias into the Iraqi military forces in 2019.

On January 3, 2020, the US carried out a military action that had never occurred in modern history, killing an elite military figure of one country in another country. The US killed Qasem Soleimani while the figure was in Iraq, sparking criticism from many parties.[5] This is because Soleimani was a military leader that significantly helped to defeat ISIS, which the United Nations has declared a terrorist organization. Therefore, Qasem Soleimani fought not only Iraqi's or Syrian's but an international enemy because the ISIS network has spread and terrorized various countries worldwide.

President Trump stated that the assassination was committed because Soleimani was planning to attack American diplomats and military personnel but was caught and terminated.[6] Trump's statement is an attempt to show that the US action is a form of self-defense. However, Iranian Foreign Minister Javad Zarif stated that the action was a form of state terrorism.[7] Similarly, the Iranian President, Hassan Rouhani, and the Prime Minister of Iraq, Adel Abdul Mahdi, called this attack an assassination, which means political killing. The US official rejected the term assassination because the act was prohibited under US federal law since 1981. Instead, President Trump used the word terminated, and the other US official called it targeted killing.[8]

This article examines the view of international law on this assassination case and determines whether the US could be categorized as a perpetrator of state terrorism based on the law. Some scholars have commented on this case, such as O'Connell[9] and Callamard.[10] They emphasized that the US must prove that its action was because of an imminent attack and show several violations

[5] Indonesia's Nahdlatul Ulama, the world's largest independent Muslim organization, expressed its condemnation of Soleimani's killing and called US actions against humanity and violated world peace principles. See Umar Mukhtar, "PBNU Kecam Pembunuhan Jenderal Iran Qasem Soleimani [PBNU Condemn the Killing of Iranian General Qasem Soleimani]," *Republika*, 7 January 2020, accessed 10 October 2020, https://khazanah.republika.co.id/berita/q3prk6377/pbnu-kecam-pembunuhan-jenderal-iran-Qasem-soleimani.

[6] Mark Hosenball, "Trump Says Soleimani Plotted 'imminent' attacks, but Critics Question Just How Soon," *Reuters*, January 3, 2020, accessed August 10, 2020, https://www.reuters.com/article/us-iraq-security-blast-intelligence/trump-says-soleimani-plotted-imminent-attacks-but-critics-question-just-how-soon-idUSKBN1Z228N.

[7] Fred Pleitgen, "Iranian Foreign Minister Accuses US of State 'Terrorism' as Country's Parliament Votes to Designate US Forces as 'Terrorists'," *CNN*, 7 January 2020, accessed August 10, 2020, https://edition.cnn.com/2020/01/07/middleeast/iran-zarif-united-states-intl/index.html.

[8] Tim Lister and Eve Bower, "Growing Doubts on Legality of US Strike that Killed Iranian General," *CNN*, 6 January 2020, accessed 10 August 2020, https://edition.cnn.com/2020/01/06/middleeast/soleimani-strike-legality-doubts-us-iran-intl/index.html.

[9] Mary Ellen O'Connell, "The Killing of Soleimani and International Law," EJIL Talk, 6 January 2020, accessed 10 August 2020, https://www.ejiltalk.org/the-killing-of-soleimani-and-international-law/.

[10] Agnes Callamard, "The Targeted Killing of General Soleimani: Its Lawfulness and Why It Matters," Just Security, 8 January 2020, accessed 27 June 2020, https://www.justsecurity.org/67949/the-targeted-killing-of-general-soleimani-its-lawfulness-and-why-it-matters/.

of international law. Also, Dorsey analyzed this case from the struggle for power between Iran and the US,[11] while Talmon and Heipertz[12] used the perspective of the right to defend oneself. Talmon and Heipertz stated that this right to self-defense argument could justify the assassination of General Soleimani under international law, given Iran's constant attacks on the US. However, the authors emphasize that this depends on the facts and, without detailed knowledge, there is no decisive legal judgment of the murder. This paper presents these facts to strengthen the arguments by the authors that the killings violate international law. These facts would help the author review this case using the International Humanitarian Law (IHL), International Human Rights Law (IHRL), International Convention for the Suppression of Terrorist Bombings, and Convention on the Prevention Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents. Furthermore, this research uses a qualitative method by examining documents, literature, and mass media coverages.

II. INTERNATIONAL LAWS ON TARGETED KILLING

International law is a set of legal principles and norms that underlie the relationship between the subjects of International Law and regulate cross-border issues of public law. It is a necessity, as stated in the adage *ubi societas, ibi ius* (where there is a society, of course, there is a law). Therefore, in the international community where the members are countries that interact with each other, the law is needed to create security, freedom, order, justice, and prosperity.[13] The source of the law is regulated in Article 38 paragraph (1) of the Statute of the International Court of Justice as cited below.

> *"The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply: a. international conventions, whether general or particular, establishing rules expressly recognized by the contesting states; b. international custom, as evidence of a general practice accepted as law; c. the general principles of law recognized by civilized nations; d. subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists*

[11] James M. Dorsey, "Killing of Iranian General: US Reaps More Than It Wished for," *Counter Terrorist Trends and Analyses* 12, no. 1 (2020): 2., DOI:10.2307/26908277.

[12] Stefan A. G. Talmon and Miriam Heipertz, "The U.S. Killing of Iranian General Qasem Soleimani: of Wrong Trees and Red Herrings, and Why the Killing may be Lawful After All," German Practice in International Law, Bonn Research Papers on International Law Paper No. 18/2020, accessed https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3530273.

[13] I Made Pasek Diantha, et.al., *Hukum Internasional* [*International Law*] (Denpasar: Universitas Udayana, 2017), 13.

of the various nations, as subsidiary means for the determination of rules of law."

Article 38 states that international conventions are the source of international law. This paper answers research questions by referring to International Humanitarian Law (IHL), International Human Rights Law (IHRL), and two UN's International Convention related to terrorism. They are the International Convention for the Suppression of Terrorist Bombings and Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents. These international laws regulate the interaction between actors to ensure no use of force that harms or endangers peace.

A. INTERNATIONAL HUMANITARIAN LAW (IHL)

The law of war, or International Humanitarian Law (IHL), has two branches, the *Jus in bello* and *Jus ad bellum*. *Jus in bello* is a set of laws that takes effect once the war begins to regulate how it is fought. Also, it reduces armed conflict suffering by providing security and support for all victims.

Jus ad bellum determines the legitimate reasons for a country to go to war and whether war-making criteria are justified. The main legal source of *Jus ad bellum* is the Charter of the United Nations 1945 Article 2 and 51, which regulates the conditions for a country to carry out an armed attack. It reads:

"Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and 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."

The standard interpretation of Article 51 is that the United Nations allows the use of weapons in self-defense. The initial rule in Article 2 of the UN Charter is that all international disputes must be resolved peacefully. However, in case of an armed attack, the victim country has the right to use weapons in self-defense. Moreover, this article states that whatever self-defense measures by the victim state, the Security Council has the authority to actions necessary to maintain or restore peace and security. According to Shah, the Security Council has the power to take action, including adding to the measures taken

by the victim state or holding its efforts to restore peace and security.[14]

IHL is based on several international treaties that evolved from the 1863 Vienna congress's results, followed by The Hague Conference in 1899 and 1907. According to the Hague Convention 1907, the beginning of war must be preceded by an open statement. It stated that, provided it is important, hostilities should not commence without previous warning to maintain pacific relations.[15] After World War II, the United Nations refined the rules of war at a conference in Geneva in 1949 to prevent the recurrence of the atrocities. The conference formed four international agreements, often referred to as the Geneva Convention 1949. The contents of the Geneva Convention 1949, especially Conventions I and II, regulate the protection of wounded and sick soldiers in land and sea battles. According to these conventions, enemy soldiers that are wounded, sick, or separated from their team may not be shot but must be treated and placed as prisoners of war. This is further regulated by Convention III concerning the treatment of prisoners of war. Furthermore, Conventions I and II protect individuals other than soldiers involved in warfare with the permission of war commanders, such as journalists, clergy, doctors, cooks, nurses, or personnel of the ICRC (The International Committee of the Red Cross).

The Geneva Convention 1949 prohibits the use of weapons and methods of war that result in the mass killing of the military and civilians. Also, IHL regulates collective security, as cited in Article 51 of the UN Charter. The article states that when a member state of the United Nations is under attack, it has the right to undertake self-defense, either individually or collectively, immediately. This happens until the Security Council determines the necessary steps to maintain international peace and security. However, UN member states' self-defense or collective security measures must be reported immediately to the Security Council.[16]

B. INTERNATIONAL HUMAN RIGHTS LAW (IHRL)

IHRL is a collection of international laws intended to advance human rights at the social, regional, and domestic levels. As an international law, IHRL consists of treaties between countries, including the International Convention on Civil and Political Rights (ICCPR). The ICCPR consists of Article 49 and is a signatory to the convention committed to respecting individuals' civil and

[14] Niaz A. Shah, *Self-Defense in Islamic and International Law: Assessing Al-Qaeda and the Invasion of Iraq* (New York: Palgrave McMillan, 2008), 89.
[15] Convention (III) relative to the Opening of Hostilities, opened for signature 18 October 1907 (entered into force 26 January 1910.
[16] United Nations Charter, opened for signature 26 June 1945 (entered into force 24 October 1945).

political rights. These include the right to life, freedom of religion, speech, and assembly, electoral rights, and the right to due process and fair trial.[17]

C. CONVENTION ON THE PREVENTION AND PUNISHMENT OF CRIMES AGAINST INTERNATIONALLY PROTECTED PERSONS, INCLUDING DIPLOMATIC AGENTS

This convention prohibits attacks on an internationally protected person. Article 1 (b) defines an internationally protected person as follows:

> *(b) Any representative or official of a State or other agent of an international organization of an intergovernmental character who, at the time when and in the place where a crime against him, his official premises, his private accommodation, or his means of transport is committed, is entitled pursuant to international law to special protection from any attack on his person, freedom, or dignity, as well as members of his family forming part of his household.*[18]

D. INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF TERRORIST BOMBINGS

This convention prohibits bombing government facilities, state military and infrastructure, and public facilities and transportation systems. However, the convention does not cover state actors.

> *"Noting that the activities of military forces of states are governed by rules of international law outside the framework of this convention and that exclusion of certain actions from the coverage of this Convention does not condone or make lawful otherwise unlawful acts..."*[19]

Since the perpetrator of this murder is a state, it becomes challenging to respond to countries that carry out acts of terrorism, such as the US in this case. The definition of terrorism in the UN's International Convention for the Suppression and Financing of Terrorism reads:

> *"Any act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a*

[17] International Covenant on Civil and Political Rights, opened for signature 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976).
[18] Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, opened for signature December 14, 1973, 1035 UNTS 167 (entered into 20 February 1977).
[19] International Convention for the Suppression of Terrorist Bombings, opened for signature 15 December 1997, 2149 UNTS 256 (entered into force 23 May 2001).

situation of armed conflict, when the purpose of such an act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or abstain from doing any act."[20]

It does not define the perpetrator of terrorism, such as a state, categorically. The term state-terrorism has not been agreed upon in international law. However, several authors have stated that the state is very likely to become the perpetrator of terrorism.

Ruth Blakeley stated the state could conduct terrorism when it (or actors on its behalf) commit deliberate violence against individuals that should be protected. This is true when the actions generate extreme fear in the target audience to change their behavior.[21] Furthermore, Ruth Blakeley divided these acts into limited and wholesale state terrorism. Limited state terrorism is a small-scale operation by a country with a specific target and objectives. This could include targeted killings, assassination operations, kidnappings, or bombings directed at civilians. Wholesale state terrorism is carried out to cause extreme fear among large populations, such as individuals, governments, or countries. It aims to influence or change the policies or behavior of the targeted country.[22]

The authors argue that it is possible to analyze a state's violent behavior using international laws on terrorism. The state is very likely to carry out acts of violence that could be categorized as acts of terrorism.

III. BACKGROUND: THE PRESENCE AND ROLE OF MAJOR GENERAL SOLEIMANI IN IRAQ AND SYRIA

The Syrian Al Qaeda militia (Jabhah al Nusra) and other groups funded by Turkey and the Gulf countries have terrorized Syria since 2012, intending to overthrow President Bashar Assad. In 2013, Al Qaeda Iraq and Al Qaida Syria united to form ISIS (Islamic State of Iraq and Syria), which carried out terror acts in Iraq and Syria.

The Islamic State of Iraq (ISI) in Iraq was formed in 2004 and officially takes allegiance to Al Qaeda. After Saddam's fall (2003), US troops continued their stay with the excuse of upholding democracy in Iraq. Democratic processes began with the 2005 legislative elections, during which the ISI carried out many suicide bombings and assassinations, and the US soldiers left Iraq in

[20] United Nations Charter, Chapter VII: Action with Respect to Threats to The Peace, Breaches of The Peace, and Acts of Aggression.
[21] Ruth Blakeley, *State Terrorism and Neoliberalism: The North in the South* (Oxon: Routledge, 2009), 2.
[22] Blakeley, *State Terrorism and Neoliberalism*, 25-26.

2011. After forming ISIS in 2013, this group further expanded its territory by capturing many cities and villages in Iraq and Syria. In June 2014, they finally overran Mosul, the second-largest city in Iraq, signifying an imminent fall of Baghdad and prompting the Iraq government to seek help from the US.[23] Subsequently, the US sent its troops and began military operations towards ISIS in August 2014 to rescue ethnic Yazidis. The troops provided logistic support by air to civilians trapped on Mount Sinjar. Moreover, they carried out airstrikes to stop ISIS movements and assist Kurdish militias (YPG) to open an evacuation corridor on Mount Sinjar for the trapped residents to get out. This US military operation could be considered a responsibility to react based on self-defense, as stipulated in Article 51 of the UN Charter. In this case, Iraq should protect its citizens as a sovereign state. However, it exercised its right to self-defense by seeking help from the international community, including the US, to fight ISIS.[24]

In September 2014, the US formed The Global Coalition against Daesh with 82 members, including Germany, Italy, Canada, Japan, Korea, and several Gulf and Arab countries.[25] According to the coalition's official website, this is the scope of the coalition's work:

Beyond the military campaign in Iraq and Syria, the Coalition is committed to tackling Daesh's financing and economic infrastructure, preventing the flow of foreign terrorist fighters across borders, supporting stabilization and the restoration of essential public services to areas liberated from Daesh, countering the group's propaganda.[26]

On June 13, 2014, Iraq's top cleric, Ayatollah Sistani, issued a *jihad fatwa* against ISIS for the first time. Based on this legal pronouncement, Iraqi civilians declared that they were ready to take up arms. The Popular Mobilization Forces (PMF; Arabic: *al-Hashd al-Shaabi*) militia was formed by the then Prime Minister, Nouri al Maliki, to help the Iraqi military against ISIS. Therefore, the PMF formally belongs to the Iraqi security forces and has obtained 2.16 billion US dollars from the 2019 defensive budget. It comprises about fifty paramilitary militias of different sizes and politically oriented parties.[27] The militias come from various backgrounds, including Sunni,

[23] "Iraq Formally Asks US to Launch Air Strikes Against Rebels," *BBC News*, 18 June 2014, accessed 27 June 2020, https://www.bbc.com/news/world-middle-east-27905849.

[24] Dewi Agha Putri and Hasan Sidik, "Responsibility to Protect dalam Kasus Genosida oleh ISIL terhadap Yazidi-Irak melalui Intervensi Militer Amerika Serikat [The Responsibility to Protect in Case of Genocide by ISIL against Yazidis-Iraq through United States Military Intervention]," *Jurnal ICMES* 4, no.1 (2020): 56, DOI: 10.35748/jurnalicmes.v4i1.65.

[25] Daesh is an Arabic name of ISIS.

[26] "What is Coalition?" Global Coalition Against Daesh, accessed 3 November 2020, https://theglobalcoalition.org/en/

[27] Atallah, "The Future of Iraqi Popular Mobilization Forces."

Christian, and mostly Shia, some of which are under Soleimani's command. The Prime Minister of Iraq, Haider al-Abadi, once expressed gratitude for Iran for sending weapons and ammunition in the fight against ISIS and named Soleimani as an essential figure in this war.[28] Therefore, Soleimani's presence in Iraq was legal and approved by the government.

The Syrian government also formally requested Iranian assistance against hundreds of armed militia groups. These included ISIS, the Free Syrian Army, and Al Nusra, which have controlled nearly 70% of Syria's territory. Furthermore, Soleimani formed a popular resistance network in Syria and even convinced Russian President, Vladimir Putin, to join the fight against the terrorists. Therefore, with Russia joining in September 2015, the fight against ISIS and the hundreds of Al-Qaeda-affiliated militias in Syria had been beneficial. Russia and the Syrian National Army (SAA) carried out airstrikes on terror group bases, while the pro-government militias and SAA troops performed ground attacks.[29]

The PMF and the US have the same target, ISIS. However, the US considers the PMF an Iranian proxy that threatens its interests in the region. Furthermore, following the defeat of ISIS in large parts of Iraq, the PMF felt that 5,000 US troops were no longer needed. Therefore, PMF figures and their affiliates in the Iraqi Parliament actively advocated for the US to leave Iraq. One of the strongest factions within the PMF is Kataib Hezbollah (KH), led by Abu Mahdi Al-Muhandis. KH was founded in 2007 to fight Al Qaida Iraq (AQI) and the US army that has been in Iraq since 2003. As a result, the US declared KH and Al Muhandis terrorist organizations in 2009.[30]

On December 28, rockets hit the US military base in Kirkuk, and KH was immediately accused. This made the US bombard the KH headquarters, causing dozens of members to die, and KH and other militias staged a demonstration at the US embassy, which ended in chaos. The conflict between the US and KH continued, and its climax was in the early hours of January 3, 2020, when the US military killed the leader of the KH (also Deputy Commander of the PMF), Abu Mahdi al-Muhandis.[31]

At that time, Abu Mahdi Al Muhandis had come to the Baghdad International Airport to greet Gen. Soleimani, arriving from Lebanon on a

[28] Ali Soufan, "Qasem Soleimani and Iran's Unique Regional Strategy," *CTC SENTINEL*, Volume 11, Issue 10 November 2018, 5, accessed 3 November 2020, https://ctc.usma.edu/wp-content/uploads/2018/11/CTC-SENTINEL-112018.pdf.

[29] *Ibid.*

[30] Rafid Jaboori, "The Leadership and Future of Kata'ib Hezbollah," *Terrorism Monitor,* Volume 18, Issue 7, April 2020, accessed November 3, 2020, https://jamestown.org/program/the-leadership-and-future-of-kataib-hezbollah/

[31] *Ibid.*

regular plane. Soleimani came at the official invitation of the Iraqi government. According to the Prime Minister of Iraq, Soleimani's arrival was to discuss the message from Saudi Arabia 'in order to reach agreement.'[32] US drones attacked the car that took the two leading anti-ISIS fighters, killing both of them and eight other people.

This background provides a context for the international law review related to this case, with four essential facts. First, Gen. Soleimani was on an official state visit invited by the Prime Minister of Iraq. Second, Gen. Soleimani was in Iraq to assist the anti-ISIS militia (PMF) formally formed by the Prime Minister. Third, General Soleimani came to Iraq on January 3, 2020, in temperate conditions and on a diplomatic mission. Four, the US and Iran are in conflict, do not have diplomatic relations, and between them is not in a state of war. Moreover, there is no declaration of war, and the presence of US and Iranian troops in Iraq is to fight ISIS.

IV. REVIEW OF INTERNATIONAL LAW RELATED TO THE CASE

A. INTERNATIONAL HUMANITARIAN LAW (IHL)

The reason for killing Soleimani given by President Trump was that Soleimani was plotting imminent and sinister attacks on American diplomats and military personnel but was caught and terminated.[33] Trump's statement is an attempt to show that the US action is a form of self-defense and that *jus ad bellum* could be applied. However, previously, there was no armed conflict directly involving the two countries, which have been in constant tension since the victory of the Iranian Islamic revolution in 1979. The US considers Iran a country expanding its dominance in the region and accuses it of developing nuclear weapons. On the contrary, for Iran, the mastery of peaceful nuclear technology is a strategic step for the development and progress of a country. Its foreign policy on nuclear issues has successfully turned this problem into a symbol of the struggle of the Iranian people in opposing Western hegemony.[34]

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[32] Iraqi PM Adil Abdul Mahdi stated at a parliamentary session that Soleimani was supposed to carry a message from Iran "in response to the Saudi message that we brought to Iran in order to reach important agreements and situations regarding Iraq and the region." See Mohammed Tawfeeq and Hira Humayun, "Iraqi Prime Minister was Scheduled to meet Soleimani the Morning He was Killed," *CNN*, 5 January 2020, accessed 10 August 2020, https://edition.cnn.com/middleeast/live-news/us-iran-soleimani-tensions-live-intl-01-05 20/h_7c821d1eb7c75ce4b103f0e8020a35e1.

[33] Hosenball, "Trump Says Soleimani Plotted 'imminent' Attacks."

[34] Kiki Mikail and Achmad Fathoni, "Program Pengembangan Nuklir Iran dan Pengaruhnya terhadap Masyarakat Iran (1957-2006) [Iran's Nuclear Development Program and Its Effect on Iranian Society (1957-2006)]" *Jurnal Studi Sosial dan Politik* 3, no. 1 (2019):10, DOI: 10.19109/jssp.v3i1.4064.

The pressures exerted by the US on the Iranian nuclear project have made the country often take diplomatic resistance.

The Hague Convention III (Opening Hostilities) 1907 Article 1 stated that the war must begin with a statement or warning. However, there was never an armed war between Iran and the US or an official public declaration of war been. Therefore, Soleimani was not a legitimate target of war. Additionally, although the two countries do not have diplomatic relations, the state's rights in relation to other countries remain. Article 1 of the UN Charter 1945 regarding threats to peace, Article 2 on the principles of relations between member states of the United Nations, and Chapter VI concerning the peaceful settlement of disputes construe that the US has violated all these legal principles.

Another argument is related to the phrase of an imminent attack. The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials Principle 9 states, "Law enforcement officials shall not use firearms against persons except in self-defense or defense of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life...". [35] This shows that using weapons by the military is allowed in case an attack was about to happen. Therefore, the US government needs to provide evidence for the argument for an imminent attack to be accepted. According to a report from Hosenball, sources in the US Congress state that the administration has not provided credible evidence that such plots are on the brink of execution.[36]

In a memo sent to Parliament, released February 14, 2020, forty-two days after the assassination, Trump justified its decision citing Article 51 of the UN Charter. In contrast to Trump's initial statement, which mentioned an imminent attack from Soleimani's side, the memo did not use the phrase anymore. Trump argued that the killing was in response to the attacks in preceding months by Iran and Iran-backed militias on the United States forces and interests in the Middle East.[37] This is also a problematic argument. According to Agnes Callamard, the UN Special Rapporteur on extrajudicial killings, international jurisprudence, and state practice demonstrate that self-defense cannot be undertaken to prevent threats. Also, it could not be used as punishment for past events. Instead, self-defense could only be used against an imminent threat, to which there is no other choice but to respond immediately.[38]

[35] "UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials," United Nations Crime Congress, UN Doc. A/CONF.144/28/Rev.1 (1990), 112-116.
[36] Hosenball, "Trump Says Soleimani Plotted 'imminent' Attacks."
[37] Joseph Stepansky, "Timeline of Trump's Shifting Justifications for Soleimani Killing 2020," *Aljazeera*, February 19, 2020, accessed September 5, 2020, https://www.aljazeera.com/news/2020/2/19/timeline-of-trumps-shifting-justifications-for-soleimani-killing.
[38] Callamard, "The Targeted Killing of General Soleimani."

A professor of international law, Mary E. O'Connell, wrote that *jus ad bellum* makes no mention of the condition of an imminent attack to justify military force in self-defense. What is mentioned in Article 51 of the UN Charter is when an armed attack occurs. According to the International Court of Justice, the threat must be at the grave level or a massive attack.[39] Furthermore, O'Connell cited ICJ that the use of weapons must fulfill a necessity, where an armed action is necessary because there is no alternative other than the use of weapons. Also, it must fulfill proportionality, where the use of weapons should not be excessive. Logically, necessity and proportionality cannot be detected when the attack has not occurred. Soleimani had not attacked the US military personnel. Therefore, the challenge becomes determining whether the US was necessary and proportionate to carry out the attack that killed Soleimani. O'Connell emphasized that claiming the right for self-defense for attacks that have not occurred does not qualify *jus ad bellum* in legitimate military use.[40]

The phrase self-defense attack is still debatable, especially in the interpretation of Article 51 of the UN Charter. Shah mapped two groups of opinions regarding the imminent attack, which provided the legal basis for anticipatory self-defense. In line with O'Connell's statement, the first opinion group is to read the UN Charter Article 51 strictly. The article concludes that the use of weapons for self-defense could only be carried out when an attack has occurred. The second group states that an imminent threat is included in the notion of an armed attack. In this case, states are allowed to use force in self-defense to anticipate when the threat is real and imminent.[41] Responding to these two types of opinion, Shah emphasized that the use of weapons in anticipatory self-defense must be verified to determine whether the threat exists and be based on proportionality.[42] A country that has carried out a military attack in self-defense must prove that the criteria or conditions have been met under Article 51 of the UN Charter.

This debate shows a loophole in International Humanitarian Law, allowing a particular actor or country to interpret differently according to their interests. For instance, the US has used such self-interpretation in justifying the killing of Soleimani. It claimed an imminent threat, which requires anticipatory self-defense. According to Shah, the burden of proof lies on the potential victim state to justify its use of force in anticipation under article 51.[43] In this case, the US must prove that the threat from Soleimani was real, verifiable, and there were no other prevention options besides using weapons. Furthermore,

[39] O'Connell, "The Killing of Soleimani and International Law."
[40] *Ibid.*
[41] Shah, *Self-Defense in Islamic and International Law*, 93.
[42] *Ibid*, 95.
[43] *Ibid*, 94.

it should answer whether anticipatory self-defense acts need to be carried out excessively to kill Gen. Soleimani and nine others. Otherwise, the military attack against General Soleimani could be considered an arbitrary action. It violates the International Humanitarian Law because it does not meet the *jus ad bellum* requirements.

The words used in describing the death of Gen. Soleimani need to be examined. The Iranian and Iraqi governments used the word "assassination" while the US government used 'terminated' or 'targeted killing.'[44] Otto defined assassination as an act that involves targeting a specific individual, often a public figure, for political reasons. In the definition, Otto cited some early Western scholars such as Hugo Grotius, Alberico Gentili, and Emerich de Vattel. These scholars viewed assassination as an illegitimate move associated with targeting and killing enemy leaders in peacetime or war. They recognized the validity of killing enemy leaders in wartime, with some of them stating that it becomes an assassination when conducted outside the battlefield.[45] However, Otto emphasized that whatever the name, assassination –outside or inside the battlefield—lacks a special legal status. Moreover, Otto stated that assassinating officials of other states is a crime of aggression and terrorism, intervention, or illegal because it violates an international treaty.46 Therefore, since there was no armed conflict between the US and Iran, the killing of Qasem Soleimani could be categorized as an assassination and a violation of International Humanitarian Law.

The US use the term 'targeted killing' and justified the action as legal self-defense. However, Otto considers the term 'targeted killing' more neutral descriptive, citing the following definition:

Targeted killing is a lethal attack on a person not undertaken because they are combatant. On the contrary, it is an act where a state considers a particular individual to pose a serious threat due to their activities. Therefore, the state kills that person, even when the individual is not engaging in hostile activities.[46]

The definition shows that the state determines whether targeted killing may be carried out or not. In this case, the killing of Soleimani raises the question regarding any threat by the victim towards the US government or military personnel in Iraq. Soleimani was in Iraq to fight ISIS and carried out activities in coordination with the Iraqi government. Another question is why would a figure like Soleimani be considered a threat and being a target

[44] Tim Lister and Eve Bower, "Growing Doubts on Legality of US Strike."
[45] Roland Otto, *Targeted Killings and International Law* (New York: Springer, 2010), 20.
[46] *Ibid*, 13.

for murder. Therefore, the US must prove that Soleimani had brought a grave imminent threat to justify its action.

B. INTERNATIONAL HUMAN RIGHTS LAW (IHRL)

One of the treaties in International Human Rights Law (IHRL) is ICCPR. Article 6 of the ICCPR states, "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of life." However, another article allows the state to violate its obligations under IHRL in an emergency (Article 4). The state's use of a lethal attack is legitimate when it is the only way to protect others' lives but must be necessary and proportional. Furthermore, force must be avoided when it is still possible to carry out international mediation. Therefore, Callamard stated that the US must prove that Soleimani posed a threat and the killing was to protect the other's lives. Additionally, it must confirm that there was no choice but a lethal attack on the General.[47]

Otto's opinion could be applied to the term 'targeted killing' used by the US. According to Otto, there had not been much discussion about targeted killings in international law. Moreover, the human rights law could be applied to the case of targeted killings because the right to life offers a high, albeit not absolute, the standard of protection. This is because the targeted killings were actions where death was the main objective, meaning it violated human rights law. Also, Otto stated that violence is still possible when there are immediate threats but still must meet the principles of proportionality and necessity.[48]

General Qasem Soleimani was killed by a Hellfire missile fired from the US MQ-9 Reaper drone. This execution shows that the US already intended to carry out these killings in a planned manner or with specific targets (targeted killings). In Criminal Law, this first level intention is referred to as *dolus directus*. Therefore, they were purely targeted killings because the intention was used as a reference in determining a murder, regardless of all the reasons and motives the US justifies. Under the International Human Rights Law, targeted killings are arbitrary actions and are illegal or unlawful. As Otto asserted, killings with *dolus directus* of the first degree are not permitted. Therefore, targeted killings are arbitrary and illegal under human rights law."[49]

The authors stated that almost all conventions on human rights regulate the protection of individual or civil rights, including the political rights of every human being. The IHRL conventions are present in the relationship

[47] Callamard, "The Targeted Killing of General Soleimani."
[48] Otto, *Targeted Killings and International Law*, 536.
[49] *Ibid*, 536.

between the ruler and individuals (citizens). In this case, the individual's position is weak, while the ruler's part is substantial. On many occasions, the power attached to the ruler is exercised arbitrarily to oppress the weak. Qasem Soleimani was a state official and dealing with other states' officials. Therefore, the authors stated that analyzing this case with the principles and rules of IHRL does not fit the context of the law itself. However, at the time of the attack, Soleimani was with nine other people, and they died. Therefore, the murder violates Article 6 of the International Covenant on Civil and Political Rights (ICCPR), which states that all human beings have the right to life.

The deaths of several people, along with Soleimani, were termed collateral damage or the innocent third parties murdered in the targeted killing. It was inevitable that Soleimani was with nine other people when the US attacked, meaning their deaths were intentional collateral damage. Otto stated that intentional collateral damage violates IHRL. Collateral damage could only be received during armed combat.[50]Which was not the case when the US killed Soleimani.

Otto emphasized that the use of weapons for self-defense must follow the principle of proportionality. This means that the primary purpose of using weapons is not killing, though it is very likely to cause death. Furthermore, Otto mentioned four situations where violence could be used. These include preventing serious crimes and saving lives, catching crime perpetrators, preventing detainees from escaping, or quelling riots or rebellions. The use of weapons in these four situations would possibly result in death. However, the death of innocent third parties (collateral damage) is unacceptable.[51]

C. THE UN'S INTERNATIONAL CONVENTION ON TERRORISM

Two conventions on terrorism were used to analyze this case. First, the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, prohibits attacking internationally protected persons. Qasem Soleimani was a top Iranian military officer on a diplomatic visit to Iraq invited by the Iraqi government. Therefore, this shows that Soleimani was an internationally protected person. In this context, the US aggressed against a sovereign country because Soleimani was a state official that deserved respect according to diplomatic law.

Second, the International Convention for the Suppression of Terrorist Bombings prohibits bombing public facilities and state military. The bombing

[50] *Ibid*, 522.
[51] *Ibid*, 537.

took place in the Baghdad international airport area, killing Soleimani and several Iraqi escort soldiers, meaning the US violated this convention.

The problem is that state actors do not become objects in this convention. This is in line with the definition of terrorism in the UN's International Convention for the Suppression and Financing of Terrorism which does not mention the perpetrators. According to the covenant, terrorism is any act intended to cause death or serious bodily injury to civilians not actively involved in armed conflict. This raises the question of the response to countries that carry out violence outside the battlefield. The question of whether the US committed state terrorism could be answered using Ruth Blakeley's view.

First, state terrorism is perpetrated by a state. President Trump has explicitly admitted to having ordered the assassination.[52] Furthermore, the UN defines terrorism as any act intended to cause death or serious bodily injury to civilians not actively involved in armed conflict. Therefore, the killing was a terrorist act, and Soleimani and nine other people could be categorized as any other person not actively involved in violence. Soleimani arrived in Baghdad on January 3, 2020, on a regular plane and by an official invitation of the Iraqi government. Furthermore, Soleimani came as a top Iranian official for peaceful purposes and not be categorized as actively involved in violence.

The second characteristic is that the violence is intended to intimidate people or pressure the government to change its behavior. In this case, the killing was not meant to kill Soleimani alone but to achieve a broader goal. This is because Soleimani was the commander of the Quds Force, as evidenced in Trump's memo to Congress. The memo stated that the purpose of the assassination was, among other things, to degrade Iran's and Qods Force-backed militias' ability to conduct attacks.[53] This indicates that the US hoped that Iran would change its behavior. A few days after the killing, US Secretary of State Pompeo stated that the US wanted Iran to act normal.[54] The term 'normal state' has been used many times by Pompeo before when talking about Iran. Therefore, it is easy to understand that 'normal' according to the US obeys their will. Iran's continuing stance against the US shows their disobedience to their will.

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[52] Zachary Cohen et al., "US Drone Strike Ordered by Trump Kills Top Iranian Commander in Baghdad," *CNN*, 4 January 2020, accessed 19 February 2021, https://edition.cnn.com/2020/01/02/middleeast/baghdad-airport-rockets/index.html.

[53] Justin Sink, "White House Memo Says Trump Had Authority for Soleimani Attack," *Bloomberg*, 14 February 2020, accessed 5 September 2020, https://www.bloomberg.com/news/articles/2020-02-14/trump-had-authority-for-soleimani-attack-white-house-memo-says.

[54] "Pompeo: We want Iran to Simply Behave Like A Normal Nation," *Jerusalem Post*, 11 January 2020, accessed 10 August 2020, https://www.jpost.com/Middle-East/Pompeo-We-want-Iran-to-simply-behave-like-a-normal-nation-613810

Blakeley mentioned two forms of state terrorism, limited and wholesale state terrorism. Additionally, Blakeley gave several examples of limited-state terrorism carried out by the US, including the CIA's secret assassination of Fidel Castro and clandestine sponsorship of the US Contras in Nicaragua. During the Cold War era, the US Government supported the clandestine operation to overthrow Cuban President Fidel Castro through the Bay of Pigs Invasion in 1961. This operation failed, but the CIA subsequently repeatedly attempted to assassinate Castro, revealed in documents released later under the Clinton administration.[55]

The Nicaragua case began when the communist Sandinista Front of National Liberation (FSLN) overthrew the military government in 1979. US foreign policy at that time was to suppress all forms of the communist movement. Therefore, the US government made various efforts to overthrow the Nicaraguan government, including selling weapons to Iran to fund the Contras militias. In their actions, Contras committed widespread violence and violated human rights. The case was tried at the International Court of Justice, and in 1986, the US government was found guilty of 15 counts of violating international law in Nicaragua. According to ICJ:

> *"The United States of America, by training, arming, equipping and supplying the Contra forces or otherwise encouraging, supporting and aiding military and paramilitary activities in and against Nicaragua, has acted, against the Republic of Nicaragua, in breach of its obligation under customary international law not to intervene in the affairs of another state."*[56]

A comparison of the Cuba and Nicaragua cases, which Blakeley described the US had committed to limited state terrorism, shows that the killing of Soleimani had the same pattern. Therefore, the bombing towards Gen. Soleimani and the team limited state terrorism because it was a small-scale operation by a state with a specific target. However, the state is not recognized as a perpetrator of terrorism based on international law because it does not use the phrase 'state terrorism.' This issue is still a debate among academics. The authors agree that terrorism is a political brutality method and could be carried out by various actors, both individuals and groups, weak and strong states, and even international organizations.[57] Therefore, terrorism is not limited to non-state actors only.

[55] Blakeley, *State Terrorism and Neoliberalism*, 99-100.
[56] Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. the United States of America), ICJ Judgement 1986. See also Blakeley, *State Terrorism and Neoliberalism*, 101.
[57] Richard Jackson, Eamon Murphy, and Scott Poynting, *Contemporary State Terrorism: Theory and Practice* (Oxon: Routledge, 2010), 229.

V. CONCLUSION

This article reviews the US actions of the targeted killing of a high-ranking foreign official, General Qasem Soleimani from Iran, in the territory of a third country, Iraq, because of international law.

The authors state that the US action violates International Humanitarian Law (IHL). The US government's justification for this murder is self-defense in the face of an imminent threat. However, the counter-argument given is that self-defense cannot be undertaken to prevent threats. The use of weapons must fulfill the condition of necessity, where an armed action is necessary because there is no other alternative. Additionally, it must fulfill proportionality, in which the use of weapons must not be excessive. The US has not proved that Soleimani posed an imminent threat during the visit to Iraq on January 3, 2020.

The killing also violates the International Human Rights Law (IHRL) because Soleimani was killed together with nine other people. For that reason, the killing violated Article 6 of the International Covenant on Civil and Political Rights (ICCPR), which states that all human beings have the right to life.

Soleimani's assassination also violated the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents. This is because Soleimani came to Iraq as a top Iranian official on a diplomatic mission. Additionally, bombing public facilities and military personnel violates the International Convention for the Suppression of Terrorist Bombings. Although this convention does not cover the state, the US actions could be considered limited state-terrorism.

BIBLIOGRAPHY

Journals and Periodicals

Dorsey, James M. "Killing of Iranian General: US Reaps More Than It Wished for." *Counter Terrorist Trends and Analyses* 12, no. 1 (2020):1-5, DOI:10.2307/26908277.

Jaboori, Rafid. "The Leadership and Future of Kata'ib Hezbollah." *Terrorism Monitor*, Volume 18, Issue 7, April 2020. Accessed 3 November 2020, https://jamestown.org/program/the-leadership-and-future-of-kataib-hezbollah/.

Mikail, Kiki and Achmad Fathoni. "Program Pengembangan Nuklir Iran dan Pengaruhnya terhadap Masyarakat Iran (1957-2006) [Iran's Nuclear Development Program and Its Effect on Iranian Society]." *Jurnal Studi Sosial dan Politik* 3, no. 1 (2019): 1-16, DOI: 10.19109/jssp.v3i1.4064.

Putri, Dewi Agha dan Hasan Sidik. "Responsibility to Protect dalam Kasus Genosida oleh ISIL terhadap Yazidi-Irak melalui Intervensi Militer Amerika Serikat [The Responsibility to Protect in Case of Genocide by ISIL against Yazidis-Iraq through United States Military Intervention]." *Jurnal ICMES* 4, no.1 (2020): 46-63, DOI: https://doi.org/10.35748/jurnalicmes.v4i1.65

Soufan, Ali. "Qasem Soleimani and Iran's Unique Regional Strategy." *CTC SENTINEL*, Volume 11, Issue 10, November 2018. Accessed 3 November 2020, https://ctc.usma.edu/wp-content/uploads/2018/11/CTC-SENTINEL-112018.pdf.

Talmon, Stefan A. G. and Miriam Heipertz. "The U.S. Killing of Iranian General Qasem Soleimani: Of Wrong Trees and Red Herrings, and Why the Killing May Be Lawful after All." German Practice in International Law, Bonn Research Papers on International Law Paper, No. 18/2020, DOI: 10.2139/ssrn.3530273.

Books and book chapters

Blakeley, Ruth. *State Terrorism and Neoliberalism*: *The North in the South*. Oxon: Routledge, 2009.

Diantha, I Made Pasek, et.al. *Buku Ajar Hukum Internasional.* [*International Law*]. Denpasar: Universitas Udayana, 2017.

Fayazmanesh, Sasan. *The United States and Iran Sanctions, Wars and The Policy of Dual Containment.* New York: Routledge, 2008.

Jackson, Richard, Eamon Murphy, and Scott Poynting. *Contemporary State Terrorism: Theory and Practice.* Oxon: Routledge, 2010.

Otto, Roland. *Targeted Killings and International Law*. New York: Springer, 2010.

Shah, Niaz A. *Self-Defense in Islamic and International Law: Assessing Al-Qaeda and the Invasion of Iraq.* New York: Palgrave McMillan, 2008.

Legal Documents

Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents. 1035 UNTS 167 (opened for signature 14 December 1973, entered into force 20 February 1977).

Convention (III) relative to the Opening of Hostilities, opened for signature 18 October 1907 (entered into force 26 January 1910.

International Covenant on Civil and Political Rights. 999 UNTS 171 (opened for signature 16 December 1966, entered into force 23 March 1976).

International Convention for the Suppression and Financing of Terrorism. 2178 UNTS 197 (opened for signature 9 December 1999, entered into force 10 April 2002)

International Convention for the Suppression of Terrorist Bombings. 2149 UNTS 256 (opened for signature 15 December 1997, entered into force 23 May 2001).

Statute Of the International Court of Justice. 33 UNTS 993 (opened for signature 18 April 1946).

United Nations Charter (opened for signature 26 June 1945, entered into force 24 October 1945).

UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, UN Doc. A/CONF.144/28/Rev.1 (1990).

Web Sources

"Iraq Formally Asks US to Launch Air Strikes Against Rebels." *BBC News*, 18 June 2014. Accessed 27 June 2020, https://www.bbc.com/news/world-middle-east-27905849.

"Pompeo: We Want Iran to Simply Behave Like a Normal Nation." *Jerusalem Post*, 11 January 2020. Accessed 10 August 2020, https://www.jpost.com/Middle-East/Pompeo-We-want-Iran-to-simply-behave-like-a-normal-nation-613810

Atallah, Philippe. "The Future of Iraqi Popular Mobilization Forces." Foreign Policy Research Institute. Accessed 3 November 2020, https://www.fpri.org/article/2019/08/the-future-of-the-iraqi-popular-mobilization-forces/.

Callamard, Agnes. "The Targeted Killing of General Soleimani: Its Lawfulness and Why It Matters." Just Security, 8 January 2020. Accessed 27 June 2020, https://www.justsecurity.org/67949/the-targeted-killing-of-general-soleimani-its-lawfulness-and-why-it-matters/.

Cohen, Zachary, et al. "US Drone Strike Ordered by Trump Kills Top Iranian Commander in Baghdad." *CNN*, 2 January 2020. Accessed 19 February 2020, https://edition.cnn.com/2020/01/02/middleeast/baghdad-airport-rockets/index.html.

Global Coalition Against Daesh. "What is Coalition?" Accessed 3 November 2020, https://theglobalcoalition.org/en/.

Hosenball, Mark. "Trump Says Soleimani Plotted 'Imminent' Attacks, But Critics Question Just How Soon." *Reuters*, 3 January 2020. Accessed 5 August 2020, https://www.reuters.com/article/us-iraq-security-blast-intelligence/trump-says-soleimani-plotted-imminent-attacks-but-critics-question-just-how-soon-idUSKBN1Z228N.

https://khazanah.republika.co.id/berita/q3prk6377/pbnu-kecam-pembunuhan-jenderal-iran-Qasem-soleimani.

Lister, Tim and Eve Bower. "Growing Doubts on Legality of US Strike that Killed Iranian General." *CNN*, 6 January 2020. Accessed 10 August 2020, https://edition.cnn.com/2020/01/06/middleeast/soleimani-strike-legality-doubts-us-iran-intl/index.html.

Mukhtar, Umar. "PBNU Kecam Pembunuhan Jenderal Iran Qasem Soleimani [PBNU Condemn the Killing of Iranian General Qasem Soleimani]." *Republika*, 7 January 2020. Accessed 10 October 2020,

O'Connell, Mary Ellen. "The Killing of Soleimani and International Law." EJIL Talk, 6 January 2020. Accessed 10 August 2020, https://www.ejiltalk.org/the-killing-

of-soleimani-and-international-law/.

Pleitgen, Fred. "Iranian Foreign Minister Accuses US of State 'Terrorism' as Country's Parliament Votes to Designate US Forces as 'Terrorists'." *CNN*, 7 January 2020. Accessed 10 August 2020, https://edition.cnn.com/2020/01/07/middleeast/iran-zarif-united-states-intl/index.html.

Stepansky, Joseph. "Timeline of Trump's Shifting Justifications for Soleimani Killing 2020." *Aljazeera*, 19 February 2020. Accessed 5 September 2020, https://www.aljazeera.com/news/2020/2/19/timeline-of-trumps-shifting-justifications-for-soleimani-killing.

Tawfeeq, Mohammed and Hira Humayun. "Iraqi Prime Minister was Scheduled to meet Soleimani the Morning He was Killed." *CNN*, 5 January 2020. Accessed 10 August 2020, https://edition.cnn.com/middleeast/live-news/us-iran-soleimani-tensions-live-intl-01-05 20/h_7c821d1eb7c75ce4b103f0e8020a35e1.