



INTERNATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS

CHAUSÉE DE HAECHT 55, 1210, BRUXELLES-BRUSSELS, BELGIQUE-BELGIUM

info@iadllaw.org www.iadllaw.org

STATEMENT OF THE INTERNATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS CONDEMNING THE KILLING OF GENERAL SOLEIMANI AS AN ILLEGAL ACT OF AGGRESSION

The killing of Iranian General Qassem Soleimani by a United States drone strike in Baghdad is an illegal act of aggression which violates US and international law. It violates the United Nations Charter, which all members of the United Nations including the US, are legally bound to adhere to. The United Nations Charter is a treaty which was ratified by the US and, by virtue of Article VI, section 2 of the US Constitution it has the force of domestic law. All countries of the world which have ratified the United Nations Charter have similar obligations.

The level of discourse on this matter by political leaders, especially in the US, shows a shocking lack of understanding of or regard for the contents of the United Nations Charter and for their obligations to ensure that the international rules stated in the Charter, which all countries agreed upon to prevent future generations from experiencing the “scourge of war,” are upheld and respected.

The discourse on this killing has focused on the “political” implications of this act of aggression and failed to specifically name the action as an illegal act of aggression. Furthermore, references to the “legality” of the strike have been limited in many political and media conversations to issues of “proportionality” and/or “imminence” of a “threat”. Neither of these matters addresses the fundamental issue of legality.

ILLEGAL ACT OF AGGRESSION IN VIOLATION OF THE UN CHARTER

Article 2.3 of the United Nations Charter requires all member states to “settle their international disputes by peaceful means in such a manner that international peace and security, are not endangered.” Article 2.4 requires all member states to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

The only two exceptions to the use of force are contained in Article 51 and 42. Under Article 51, which recognizes the inherent right to self-defense, is operative only in response to and armed attack by another state. Article 42 permits the use of force when authorized by the Security Council.

THE ATTACKS ARE A VIOLATION OF IRAQI SOVEREIGNTY & NOT ACTS OF SELF-DEFENSE

The attacks on a US military base in Iraq allegedly by Iraqi-based militias, which are Iraqi non-state actors do not qualify as an armed attack on the US by Iran. Neither does the action by Iraqis who entered the US Embassy in Baghdad, injuring and killing no one, in response to US strikes



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against these militias (which killed 25 people and injured 55 more) amount to an armed attack by Iran against the US.

Article 42 permits the use of force when authorized by the Security Council. The US did not bring the matter to the Security Council to seek a resolution regarding its claimed concerns about the activities of these militias.

By definition, if an act is not in self-defense, is it an aggression which is prohibited under the UN Charter and further by UN General Assembly Resolution 3314.

THE ASSASSINATION WAS A TARGETED EXTRAJUDICIAL KILLING, WHICH IS ILLEGAL UNDER INTERNATIONAL LAW

In addition, the attack on General Soleimani was an targeted extrajudicial killing, which is illegal and not justified under any notion of international humanitarian law or human rights law. Targeted killing is the intentional premeditated and deliberate use of lethal force by states or their agents acting under color of law, who is not in the physical custody of the perpetrator. If the person against whom lethal force is directed has not been convicted of a crime for which a death sentence is permissible in the state where the killing occurs, the targeted killing is also an extrajudicial killing outside of any legal process.

Targeted extrajudicial killing is by its very nature illegal. It is an arbitrary deprivation of the right to life guaranteed by Articles 6 and 14 of the International Covenant on Civil and Political Rights.

The reference to proportionality by many commentators is misplaced. Proportionality under international humanitarian law, otherwise known as the laws of war, relates to whether a particular military action is expected to cause incidental loss of civilian life, injury to civilians, or civilian objects which would be excessive in relation to concrete and direct military advantage.

By its very nature the principle of proportionality applies to cases of armed conflict, whether legal or illegal. The US is not in an armed conflict with Iraq where the killing occurred, nor is it in an armed conflict with Iran.

Proportionality does not apply to considerations such as whether the killing of a high-ranking military general of Iran is in some equation with the killing of a US army contractor.

Similarly the issue of imminence of a threat has no basis under international law to convert an act of aggression into an act of self-defense. Although the Bush administration used the concept to invade Iraq without UN approval, the international community roundly rejects the concept.



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IADL CONDEMNS US VIOLATIONS OF INTERNATIONAL LAW, CALLS ON UN SECURITY COUNCIL TO ACT

IADL strongly condemns the assassination of General Soleimani as well as all threats against the Islamic Republic of Iran, its people, its leadership and its cultural heritage.

IADL also condemns the outrageous threats by US President Trump to attack 52 targets in Iran, including cultural sites of deep importance to Iranian culture. Such an action would without a doubt constitute a war crime.

IADL calls on the international community to view the attack on General Soleimani through the prism of international law, and to roundly condemn it as an illegal act of aggression, a crime against peace, and a crime of aggression under UN General Assembly Resolution 3314.

IADL calls on the United Nations Security Council to immediately address the issue and take all necessary measures to put an end to all US aggressions and interferences in the Middle East and to maintain peace and security in the region.

IADL calls on all UN member states not to provide any political or logistical support for US acts of aggression or war crimes against Iran or any other country.

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Jeanne Mirer
President, IADL

Edre Olalia
Transitional President, IADL

Jan Fermon
Secretary General, IADL

Micòl Savia
Transitional Secretary General, IADL