

Concept Note

Extra-Territorial Violations of Human Rights,

Human rights dimensions of the state act of assassination of General Ghasem Soleimani on 3rd January 2020

52nd Session of the Human Rights Council (27 February – 4th April 2023)

- Date, Venue and Link:** *9 March 2023, 13:15 to 14:45 p.m. (Geneva time)*
Virtual, online platform (Zoom)
Link:
<https://us02web.zoom.us/j/85133990328?pwd=b1oxNWg1LytVeWRxUHITZUJlOXgwdz09>
- Organizer:** *The Permanent Mission of the Islamic Republic of Iran in Geneva*
- Objectives:**
- Review the various legal and human rights aspects of assassination of General Ghasem Soleimani and his companions after the third anniversary of his assassination
 - Follow up on the discussion of the 44th Session of Human Rights Council based on report No A/HRC/44/38, dated 15 August 2020
 - Accountability and justice for all extra-territorial human rights violation including war crimes and crimes against humanity
- Chair:** **Ambassador Ali Bahreini**, (Permanent Representative of the Islamic Republic of Iran to the UN Office and other international organizations in Geneva)
- Opening statements:** **Title of the speech: General Ghasem Soleimani: A global human rights defender**
Ambassador Ali Bahreini, (Ambassador and the Permanent Representative of the Islamic Republic of Iran to the UN Office and other international organizations in Geneva)
Dr. Ali Bahreini, has been the Head of Human Rights department in the Ministry of Foreign Affairs. He was the Ambassador of the Islamic Republic of Iran in Ethiopia. He was appointed as the permanent Representative of Iran to the United Nations Office in Geneva since

September 2022. His PH. D thesis was on human rights issues.

Title of the speech: Summary of the legal measures adopted by the Legal Committee to follow the case of Martyr Soleimani?

H.E. Mr. AbbasAli Kadkhodaie, The Head of the Legal Committee of the Islamic Republic of Iran to follow the Legal Case of General Soleimani,

Dr. Kadkhodaie is a member of the Faculty of Law and Political Science of the University of Tehran. He was also the Head of the Constitutional Council's Research Institute, Former speaker of the Constitutional Council, and a graduate of international law from the University of Leeds in West Yorkshire, England.

Panelists:

Panelist 1: Mr. Elie HATEM

Is still any more an International Public Law? Assassination of General Soleimani and his companions from the view point of International Public Law

Elie HATEM is Barrister-at-law at the Paris Bar Association and before the International Criminal Court (The Hague). He is Doctor of Law (International Public Law and Constitutional Law) from Paris University. He teaches international law and international relations in French and American universities (Paris University of the Sorbonne, Boston University). He is author of books and many academic articles and studies in international public law and in geopolitics.

Panelist 2: Mr. Mahmoud Khalil Jafar

The American strike destabilizing the Fundamentals and principles of international law?

Mahmood Khalil Jafaar was born in Kirkuk, Iraq in 1969. He is Assistant Professor Doctor at college of law in Baghdad University. He is Lecturer and head of the department of international law in college of law in Baghdad University. He has 27 Years of academic experience. He received his Ph.D. on international law in 2010. He has the experience of teaching in the following subjects including 1- International law. 2- International humanitarian law. 3- Human rights law. 4- Diplomatic international law. And 5- Environmental international law.

Panelist 3: Ms. Zohra Mahi

The assassination of General Soleimani: War crime by Donald Trump?

Zohra MAHI was born in 1945. She has been a lawyer for forty years, first in Algeria where she briefly held a position as a magistrate, then in France where she has lived since 1992. She has written several books.

Format: This virtual event will begin by the opening statement of **Ambassador Ali Bahreini** and **Dr. AbbasAli Kadkhodai**, Panelists will then present their statements; Q&A will follow.

Background:

At the midnight of January 3, 2020, the terror act of the US regime resulted in the loss of lives of 10 Iranian and Iraqi Officials. The martyrs included 5 Iranian officials, namely General Ghasem Soleimani, Brigadier General Hossein Pourjafari, Colonel Shahrud Mozafarinia, Major Hadi Taremi and Captain Vahid Zamanian and the remaining five casualties were Iraqi members of the Popular Mobilisation Forces (PMF) at the top of them Abu Mahdi Al Mohandes.

Donald Trump, the former US President in a live and openly address to the US military in California took the responsibility for ordering their assassinations. The US and some others States and entities which involved in this illegal and wrongful act constituted a serious violation of international law and international human rights law and in particular the right to life.

The right to life is often described as the “supreme” or “foundational” right. Other rights are unattainable if the right to life is not protected and guaranteed. That is why the right to life is a well-established and developed part of international law, in treaties, custom, and general principles, and, in its core elements, in the rules of jus cogens.

The State act of assassination of General Soleimani and his companions were in obvious violation of international law. General Soleimani was carrying a diplomatic mission to convey a high level official message from the officials of the Islamic Republic of Iran to the Iraqi authorities. He was carrying a diplomatic passport. General Soleimani’s presence in Baghdad was in line with bilateral cooperation between Iran and Iraq to fight terrorism, and his military presence in Iraq was coordinated and approved by the Baghdad. In fact, the assassination of two high-ranking Iraqi and Iranian commanders who had fought against ISIS for several years and played an undeniable role in the defeat of this terrorist group, was a deliberate blow by America to the effective cooperation between Iran and Iraq to fight terrorism. This terror undermined the international and regional fight against terrorism.

Accountability is also a cornerstone of the human rights framework. Accountability has a corrective function, making it possible to address grievances, and sanction extraterritorial wrongdoing by those States responsible. However, accountability also has a preventive function. Accountability mechanisms can help identify failures that need to be overcome.

Under international human rights law, States have a duty to respect, protect and fulfil the rights of those within their jurisdiction. States have to provide effective remedies when they are infringed. These duties require States to take legislative, administrative, judicial, fiscal and other measures to create conditions in which people under their effective control can realize their rights, including their civil, political economic, social and cultural rights.

But accountability extends towards human rights violation beyond borders as well. States should also be accountable for the transnational human rights violations. States shall bear the responsibility against their violations at the international level which is subject to war crimes, crimes against humanity and violation of international law and international human rights law.

US killing of a top general of one country in the territory of another country is not only an illegal conduct in total violation of the UN Charter but also the violation of International law, including several international treaties and international Human rights law and international humanitarian law.

As it was mentioned in the report of Madam Agnes Callamard, Ex- Special Rapporteur on the extrajudicial, summary, or arbitrary executions to the 44th Session of the Human Rights Mechanism(A/HRC/44/38), “The targeted killing of General Soleimani, coming in the wake of 20 years of distortions of international law is not just a slippery slope. It is a cliff”. (para 64) “The implication as far as the targeted killing of General Soleimani is concerned is that it was an arbitrary killing for which the US is responsible. States parties engaged in acts of aggression as defined in international law, resulting in deprivation of life, violate ipso facto article 6 of the Covenant”. (Para 81)

The responsibility of the US and others involved in this terrorist act of assassination of General Soleimani and his companions is clear. After three years, what is of highest importance for the Iranian and human rights defenders around the world is to bring the relevant US authorities to justice and to make sure preventing the repetition of such cruelties and breaches in the future.