



# Terrorism in the West Asia from the Perspective of International Law: Emphasis on Assassination of General Soleimani and Dr. Fakhri Zadeh

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**Abstract:** International law may be defined as a body of rules of law which is composed for its greater part of the principles and rules of conduct which states feel themselves bound to observe and commonly observe in their relations with each other. The law of the armed conflicts is a branch of international law and clearly based on our customs, traditions and experience of armed conflict throughout the ages.

Treaty law is based on Geneva law, four 1949 conventions and Hague law by stating way of attack and limits the destructive effects of combat and achieves military or mission.

Terrorism constitutes the illegitimate use of force to achieve a political objective when innocent people are targeted. The geographical position of the East-West Asia region of every great power in history to seek advance interest in this region. The strategic uniqueness of this area is reserve of oil in the world which has made it a regular source of foreign interference in the Post world war in era. This area is also important religions, Christianity, Judaism and Islam. These circumstances impresses the super powers to intervene and de-stable of this region by violence, target killing, drone attacks, terrorism and sport behind sectrial terrorism. So in this manner many of Muslim scientists are targeted as blind murder. As a special case study of Iran, to weaken economically, politically and armed purposes targeted to attack General Qasim Soleimani and Dr. Mohsin Fakhri Zadeh on January 3<sup>rd</sup>, 2020, November 27<sup>th</sup>, 2020 at 14:30 attacked the convoy of Fakhri Zadeh. Now it is time to investigate the conspiracy of these acts and pursue as state officials by the Government of Iran.

**Keywords:** Islamic Republic of Iran, Armed conflicts, West-East Asia, Terrorism, General Qasim, Mohsin Fakhri Zadeh.

## I. INTRODUCTION:

### Introduction of the Region

The region of the East-West Asia occupies a unique strategic position in the world. A greatest oil reserve in the world in this region attracts the world powers to intervene and hold the economics of the world. So inter and intra state conflict in East-West Asia to destabilizing the region and also upset the regional balance of power, affecting global stability. For these reasons the East-West Asia has been a major center of the world affairs. Economically, politically and culturally a sensitive area of the world. So for the purpose, it is the hot issue for super powers and external actors. Here we can discuss the US policies with the collaboration of UNO, EU for the favour of Israel specially.

The definition of the Middle East based on Barry Buzan's Regional security complex Theory (RSCT) that was introduced in the first addition of people state and Fear, 1983. RSCT provides a theoretical justification for constructing world regions based on the degree of enmity and amity existing among states. This balance of power theory would be considered as a pattern of amity and enmity. Enmity can be particularly durable when it acquires a historical character between people, as it between the Arabs and the Israel's or the Iranians and the Irakis.

The idea of the security complexes is an empirical phenomenon with the historical and geopolitical roots. For example security interdependence between Iran and Israel is much stronger than Iran's security interdependence with Pakistan's which shows the different security complexes belong to Iran and Pakistan.

The strong security link between Israel and Syria put these two countries clearly with in the same security complexes.

In the Middle East the idea of an Arab nation and the trans-national political force of Islam combine to create a regional political realm. Arab nationalism and Islam weaken the identity of the local states and

indicates to establish regional organizations. The Arab league, The Gulf Cooperation council, The Arab Cooperation council and The Maghreb Group. They also play a major part in defining the main nodes of conflict in the region centered on two non-Arab states with in Israel and Iran, one of them is not Islamic and the other is the representative of Islam.

### **Importance of the Middle East-West Asia after the II world War and US, UNO policy**

The Middle East contains 25 or so states divide into a number of sub complexes that have distinct dynamics with in the whole Middle East security complexes issues namely discussed by the writers as Persian Gulf (Iran, Iraq and Saudi Arabia). The Levant (Israel, Syria and Egypt) and the Maghreb (Algeria, Morocco and Libya). There is enough crossing of boundaries with in the Middle Eastern security complex to justify the large formation as the main regional unit. For example Syria plays an important role in Gulf sub complex by allying with the Iran and Iran plays a crucial role in Levant by supporting Syria and Lebanon against Israel. Arab league provides a legitimizing forum are linked together which helps to differentiate Middle Eastern security affairs from those of Asia, Europe and Africa.

The sub complex matter in the Middle East is the one centered in the Levant between Israel's and its neighbors given rise to many regional wars. This create the result and reflection of the local struggle between Israel and Palestinians which disturb a huge number of people and rise conflict between Israel and the Islamic world.

The West Asian 18-21 countries fully and partly related with this region. These are Muslim states mostly and have their own historical setup in the world. These states have all the facilities of life by nature just like mountains, minerals, rivers, gulfs, oceans, oil, gas and all other weather and geographical important position with kingship, khalifat and the Holy places of Makkah, Madina, Masjid Iqsa, Qibla Awal, and Karbala etc.

After the World War II with the period of cold war, the Middle East, West was a theater of ideological struggle between the US and USSR, Soviet Union and their block allies. This is the phase of American block and the Russian Block and also the NAM. These super powers intervene this region to access the oil and hot water of Asia. This situation breaks the silence by China in this region. The collapses of Soviet Union have several consequences for Middle East. First of all a large number of Jewish people immigrate from Russia and Ukraine to Israel and strong the Jewish state. Secondly easiest source of credit armaments and diplomatic support to the anti-western Arab regimes weakening their position. Thirdly open up the doors for Russia to purchase cheap oil on highly prices. Fourthly it is discredited the model of development through authoritarian state socialism that Egypt, Algeria, Syria and Iraq. As a result the regional ruler like Saddam Hussain relied on Arab nationalism as a substitute for socialism.

To disturb the regional situation Saddam Hussain invaded Kuwait in 1990. In the response the US formed an International coalition induced Middle East states such as Saudi Arabia, Egypt and Syria and evicted Iraq from Kuwait and US military presence in the Persian Gulf permanently. To use after that the Saddam Hussain executed.

After the 9/11 attacks US President, George W. Bush decides to invade Afghanistan, to overflow the Taliban regime which had been harboring Bin Laden and Al-Qaeda. To destroy and de-stable of the Muslim world around US make special policies to check armaments and chemical formulas making for bombs. US intervention destroyed the state's economically and politically by the targeted, killing, assassination of the state Head Muanmar Qadafi, Hussini Mubarak, Yasir Arfat, Anwar Saadat, etc. and also de-stable the political system of Syria, Yemen, Lebanon and Iraq. These critical situations create terrorist organization groups in the name of extremism, fundamentalism of Islam. Just like Daish, ISIS, Al-Qaeda, Jash-e-Muhammad, Mujahdin-e-Khaliq and Hezbollah.

These waves of terrorism, armed conflicts, race of armaments, drone technology destroyed the world peace specially the East-West Asia and the Muslim world.

### **Iran as a special case of study of terrorism special martyr of General Qasim Soleimani and Dr. Mohsin Fakhri Zadeh:**

The constitution of the Islamic Republic of Iran is a declaration of the social, cultural, political, and economic foundations of the Iranian society based on Islamic principles and norms that reflects the heart felt desire of the Islamic community. These fundamentals desires are elaborated in the qualities of the great Islamic revolution of Iran the revolutionary process of the Muslim people from the beginning to the

victory. The concept of the Islamic government based on the jurisprudent (velayat-e-faqih) provided by the Imam Khomeini.

According to the constitution, the army of the Islamic Republic and the Islamic pasdaran revolutionary corps are found in accordance with the aforementioned objective. They protect the borders but also the weight of ideological mission. Striving (Jihad) on the path of God and struggle on the path of expanding the sovereignty of the law of God in the world.

The appearance of the terrorist groups such as Al Qaeda, Mujahideen-e-Khalq, Islamic state of Iraq, Syria, al Nusra. Front is the culmination of terrorism Iran particularly after the Islamic revolution has been subjected to the most brutal terrorist attack then this country can be considered a victim of terrorism in the world.

Iraq, Afghanistan, Pakistan, India and Turkey have been left thousands of dead and wounded in recent years.

### **Various kinds of terrorism threats against Iran:**

Different kinds of terrorism are recognized now days just like nuclear terrorism, bio terrorism, nationalist terrorism, political terrorism, narco terrorism, religious terrorism and state terrorism etc.

Iran faced the internal terrorism problems by the MEK organization of people Fedai Guerrillas, Forqan group, Democratic Party of Kurdistan, Komalah party and Jundallah group. MKO and Jundallah group done significant operation in the Eastern region of Iran including bombing in Zahedan, Chabahar and also assassination of Iranian border guards on several occasions. The Islamic Republic of Iran has been attacked by both internal and external foreign cyber terrorism. Banking networks and sites have been victims of this kind. The most important foreign cyber-attack is related to sending the stuxnet and flame viruses to Busherhr nuclear power and nuclear center at Natanz systems by foreign cyber terrorism in 2007 and 2010.

### **State Terrorism:**

State terrorism is a kind of new and modern terrorism to achieve their goals to create which may call it as state terrorism. In this kind government undertakes the leadership of terror, prepares an organization for it, pay it expenses, provides people of military training, for operation of stabilization or overthrow of another Govt. that possibly may be the assassination of leaders, army officers, political and scientific characters can be considered the true objectives of state terrorism. These operations are carried out by the security institutions of a country in another country to create fear, violence, disruption and instability.

According to the Time weekly magazine, Israeli Govt. operates three types of terrorist actions against Iran that are quietly sabotage assassination of nuclear scientists and noisy sabotage. The example of the state terrorism against Iran to plan the assassination of Iranian nuclear scientists by the agents of Israeli state, these are Dr. Masoud Ali Mohammadi, Dr. Majid Shahriari, Fereyedoun Abbasi Davani, Dariush Rezaei Nejad, Mostafa Ahmed Roshan and now Dr. Mohsin Fakhri Zadeh.

On November 27<sup>th</sup> at 14:30 nearly 10 people attacked the convoy of Fakhri Zadeh on a highway in the small city of Absard in Damavand county, about 40 kilometers north east of the capital of Tehran. The scientist lost his life during the attack. Iranian official's were quick to point the fingers at Israel which has carried out many assassination operations against Iranian nuclear scientists over the past decade. The assassination Fakhri Zadeh which was pre planned is a terrorist attack. According to UN Security Council Resolution 1373, terrorism is an act against international peace and security and it should be condemned by United Nations Security Council and secretary general as well. Martyr Fakhri Zadeh is a member of the Islamic Revolution guard corps, Deputy Minister of Defense and Head of the Research and innovation organization of the Ministry of Defense of Iran. So the assassination of Fakhri Zadeh is state terrorism.

According to domestic laws like the law in combatting the financing of terrorism that was ratified by the Iranian Parliament in 2015 and amended in 2018. The assassination of Fakhri Zadeh is a terrorist attack by the Zionist regime against the Islamic Republic of Iran and lives in Western countries. These countries given asylum to terrorists should be responsible for the act. In general the orders and elements of Dr. Fakhri Zadeh assassination are those countries which have given asylum to the terrorists and according to international law. They are responsible. The military staff is an eligible target when there is a war. It is not legal to kill a military figure. So the assassination of Fakhri Zadeh as a military figure is not legal.

Mohammad Javed Zarif, Iran's Foreign Minister suggested that Israel was behind Fakhri Zadeh Assassination. Iran blamed Israel and US for the assassination.

Israeli Defense Minister Moshe Ya'alon said in an interview with Der Spiegel. Ultimately it is very clear one way or another Iran's military nuclear program must be stopped. We will act in any way and are not willing to tolerate a nuclear-armed Iran. We prefer that this be done by means of sanctions but in the end, Israel should be able to defend itself.

The US government condemned the assassinations without implicating any party. American politicians support the killings. Former Speaker of the House Newt Gingrich supported taking out Iranian scientists and Presidential candidate Rick Santorum called the killings a wonderful thing.

Supreme leader of Iran Ali Khamenie condemned the attack and said "The martyrdom of this eminent scientist has honored the scientific community."

General Amir Hatmi said serious evidences shows Israel role in Fakhri Zadeh assassination on January 1<sup>st</sup> 2021. He paid tribute to martyr in these words, "The enemies know and I as a soldier tell them that no crime no terror and no stupid act will go unanswered by the Iranian people. The government would double the SPND's budget in order to continue the path of the martyr doctor with more speed and more power."

Lieutenant General Qasim Soleimani was an Iranian military officer who served in the Islamic Revolutionary Guard Corps from 1998 till his death in 2020. He was the commander of the Quds Force, an IRGC division primarily responsible for extra territorial and clandestine military operations. He was killed by the US air strike in Baghdad airport along with other Iran backed military officials early on Friday in a strike ordered by US President Donald Trump.

Under his leadership Iran had bolstered Hezbollah in Lebanon and other pro-Iranian militant groups expanded its military presence in Iraq and Syria and are heststrated Syria's offensive against rebel groups in the country's long civil war on the death/martyr of General Qasim Solimanie announced three days of natural mourning.

This issue is related to the sovereignty of governments. It can be discussed within the framework of international law. First of all the right of a person for life is being denied. So international human rights commitments is implementable in this case. It is an arbitrarily extra judicial killing just like the assassination of General Qasim Soleimani.

It is the violation of international human right law (IHRL) and the UN Security Council resolution 1373 countries must not be a sanctuary for terrorist.

The president of Iran praised the self-sacrifices and devotion of martyr Lieutenant General Qasim Soleimani, "martyr Soleimani will be everlasting in the history of Iran and freedom freedom-seekers around the world. The services of this great martyr for providing the security to the country and the region, especially for the people of Iraq, Syria, Yemen, Lebanon and Afghanistan.

Americans to face consequences not just today but in coming years. Iranian nation's enemies were angry about General Soleimani's work plans for regional stability and security.

## II. CONCLUSION:

The law of the armed conflict is a branch of international law and is made up of customary and treaty law. Treaty law is based on Geneva law and Hague law.

After the World War I and II, on the international level, League of Nation, United Nations Organization, International Court of Justice ICJ were formed. With these wars it is the end of super powers in the world. After the World War II, the situations of the regions are being changed. American and Russian blocks hold the politics and the number of the NAM also present here. In the time of cold war, economic aid policy introduced and colonialism. Being a powerful state US holds the UNO and policy of destruction of Muslims world especially in the region of East-West Asia. First of all give economic aid to states, intervene their state territory and disturb the sovereignty of the state on internal and external level. US support Israel and also intervention in peace and promote their armaments and nuclear weapons and modern technology to the Islamic world to access the oil and gas reserves of Middle East and West Asia region.

After the 9/11 Muslim world face the blind murder of of Muslims leaders. Just like Saddam Hussain, Husni Mubarak, Qadafi, Anwer Sadat, Yasir Arfat and also the Muslim scientists in the world and especially Iranian scientists and army high officials such as Dr. Mohsin Fakhri Zadeh and General Qasim Soleimani to help the Muslim ummah for nuclear technology and peace, security in the region of East-West Asia.

US policies are the violation of international Human Rights, humanitarian law and also the Geneva protocols to promote their power for violence, fear and financing of terrorist and terrorism groups also India, Pakistan and Turkey. Iraq and Iran also faced internal and external terrorism.

The Islamic Republic of Iran rightly decides to prosecute of criminals behind the state terrorism on attack of Dr. Mohsin Fakhri Zadeh on internal level and also contact to the Interpol by the Iranian Government. Iran's prosecutor general, General Mohammad Jaffar Montazeri said that international prosecution for those behind the assassination of Iranian scientist Dr. Mohsin Fakhri Zadeh. Serious evidence shows that Israel has role in this attack by the support of USA. Now it is time to expose the enemy of Muslims, peace and security of the humanity.

After the covid-19, the Muslim world is trying to unite and promote cooperation with each other for the sake of time and neglected people of Indian Muslims, Kashmir, Palestine, Iraq, Syria, Rouhangia, Bosnia, etc.

### III. RECOMMENDATIONS:

- 1:Prosecute the criminals in internal level.
- 2:Apply to International Court of Justice ICJ.
- 3: To raise the voice for the act of US and UNO against the violation of human rights law in the Muslim world.
- 4:To promote relations with Islamic countries.
- 5:To create organization with Pakistan, Turkey, Afghanistan and Malaysia.

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