

Was the Assassination of Iranian General Soleimani Justified? Compare Soleimani's Killing to the Killing of Reinhard Heydrich in 1942 and Admiral Yamamoto in 1943

By Caroline Cox

On January 3rd 2020, the United States military assassinated Major General Qassem Soleimani, head of the Iranian Quds Force. The MQ-9 reaper drone struck Soleimani's vehicle as he was leaving Baghdad International Airport, killing all occupants. The attack raises a number of questions concerning the practice of assassination. Though an ancient tool of statecraft, assassination has become increasingly prohibited since the 18th Century (Cronin, 2020). Numerous international agreements have banned assassination, including the Hague Conventions of 1899 and 1907 as well as the Geneva Conventions, which began in 1864. Clearly, major assassinations of state-ranking officials have ensued on occasion (e.g. Franz Ferdinand). However, international standard has maintained a norm against state-sponsored assassination (Cronin, 2020). And in order to prevent a breakdown of international order, assassinations must continue to be rare.

So, according to international law and norm, how justified was Soleimani's death? Is the assassination of an official of a sovereign nation-state ever acceptable? Moreover, how does it compare to the Second World War assassinations of SS Obergruppenführer Reinhard Heydrich and Japanese Admiral Isoroku Yamamoto, and their respective justifications? There are certainly occasions when assassination is necessary and justified— but under specific circumstances. This paper argues that the United States' assassination of General Soleimani was unjustified, because assassination is only acceptable when an attack by an enemy state is truly and demonstrably imminent, and only after the consequences have been thoroughly considered.

Based on the diverse and contradictory statements the US government has made in defense of Soleimani's assassination, the proposed "imminence" of an Iranian attack is alarmingly unclear. Secretary of State Mike Pompeo told CNN, "He [Soleimani] was actively plotting in the region to take actions— a big action as he described it— that would have put dozens if not hundreds of American lives at risk. We know it was imminent," (Milanovic, 2020). President Trump's statements (in person and on Twitter), have echoed these sentiments. However, in a legally mandated report to lawmakers, the White House stated, "The purposes of this action were to protect United States personnel, to deter Iran from conducting or supporting

further attacks against United States forces and interests, to degrade Iran's and Quds Force-backed militias' ability to conduct attacks, and to end Iran's strategic escalation of attacks," (Edmondson, 2020).

The key word here is "deter." Statements like this appear to contradict Pompeo's statement (as well as the President's), and justify the attack as an act of deterrence, a much more subjective and open-ended rationale. The lack of concrete information revealed regarding the "imminent" attack certainly supports this. According to Chairman Eliot L. Engel of the Foreign Affairs Committee, the report made "no mention" of an imminent threat and directly contradicted the president's justification (Edmondson, 2020). Pompeo eventually conceded that the US did not have specific intelligence on the whereabouts of the proposed attack, and Texas Representative Michael McCaul (a member of the Foreign Affairs Committee) asserted that Soleimani was an authorized target because of the "ongoing threat" he posed to Americans (Edmondson, 2020).

Based solely on the facts, the "imminent threat" that originally justified the assassination was not really imminent at all. Soleimani was indeed hostile to US interests in the Middle East, but the US did not possess any concrete intelligence that he was planning an upcoming military engagement. The President gave the order to kill a senior commander of a sovereign nation, a nation that we are not actively at war with, on the basis of an ongoing and potential threat. This is not an acceptable justification for assassination according to international norms.

The assassinations of Heydrich and Yamamoto were intrinsically different. First and foremost, the Second World War was a total war— "a war that is unrestricted in terms of the weapons used, the territory or combatants involved, or the objectives pursued, especially one in which the laws of war are disregarded" (Oxford Dictionary). International law and standard has no influence in conflicts of this nature. In Heydrich's case, he was the head of a belligerent occupation of Czechoslovakia. The Nazi regime had already grossly violated international law by forcibly occupying sovereign territories with no claim. Czechoslovakia's territory, population and sovereignty were under full attack. There was no "imminence" of an attack— it had already happened. The occupation was its proof and consequence. Therefore, based on the imminence of a threat, the assassination of Heydrich was completely justified.

Admiral Yamamoto's death also occurred in the context of a total war. Japan's most prominent naval officer, he masterminded the attack on Pearl Harbor, attempted the invasion of

Midway, and commanded the brutal 6-month struggle over Guadalcanal (Toll, 2020). After the Japanese acknowledged defeat over Guadalcanal, Yamamoto renewed an aerial assault on Allied bases throughout the area. He was killed by the US air force while en route to visit Japanese bases in the northern Solomon Islands for the conclusion of the assault, after Allied radio stations intercepted and decoded a Japanese radio signal (Toll, 2020). “Imminence” is not applicable in this situation either. Yamamoto was in the middle of executing a major assault on Allied bases. As Japan’s supreme military commander in the Pacific, he was already responsible for thousands of American deaths. Put simply, the US and Japan were at war— the threat was active, not imminent. Yamamoto was a front-line combatant in a total war that was an existential threat to the country. It would be difficult to imagine a more justifiable military action.

Even when a threat is imminent, assassinations should only be carried out after a thorough analysis of the possible consequences. Consequences of an action don’t necessarily make an action justified or unjustified, because no one can predict the future. However, negligence in fully considering the repercussions (and reprisals) of an action may render it unjustified. In order for an assassination to be justified, military leaders should be able to confidently predict that the ends will justify the means.

By eliminating Soleimani, the US government ran a major risk of an escalated and potentially costly conflict with Iran. Though the relationship is tense, the US is not technically at war with Iran— and the government jeopardized that. Iran has already retaliated by firing missiles at Iraqi air bases housing US troops on January 8th, which resulted in traumatic brain injuries for 34 US service members (Burns, 2020). Even if the assassination does not lead to a full-blown conflict between the US and Iran, Iran has “many options at its disposal, including a wide range of military, economic, and diplomatic targets in many countries in the region. It can operate directly or through proxies; it can use armed force or cyberattacks” (Haass, 2020). Depending on how Iran flexes its power in response to Soleimani, the US may have no choice but to devote more military resources to the middle east (Haas, 2020). Moreover, Soleimani’s death has generated a “nationalistic reflex” in Iran (Charen, 2020). Iranians are collectively mourning him as a martyr, and anti-US sentiment has skyrocketed. The Iranian people were so angered by the attack that the Parliament voted to expel all US military forces from the country on January 5th (Hjelmgaard, 2020). We likely have yet to experience the full consequences of the assassination. Soleimani’s death may have been a temporary setback for Iranian interests, but it well may create

a level of hostility that would not have occurred otherwise. These are consequences that the US government should have recognized.

In 1942, exiled Czechoslovakian President Eduard Benes and his intelligence chief, General Frantisek Moravec, conspired from London to assassinate Heydrich, the recently instated Reichsprotektor of the Czechs. Heydrich was infamous for his unmatched brilliance and brutality. Benes and Moravec knew his death would be “heard in every capital of the world,” and anticipated that this would in turn raise Czech prestige (Jaggers, 2011). They also knew that the German retaliation would be brutal, but hoped it would inspire patriotism and retaliation among the Czech people (Jaggers, 2011). The top secret operation required an extensive amount of training and planning. Their efforts paid off, as the two soldiers selected for the mission successfully carried out the assassination, and Heydrich was pronounced dead on May 29th, 1942. The German retaliation was in fact brutal. A “sober estimate” of 5,000 Czechs were killed to avenge the death of Heydrich, including all of the inhabitants of two randomly-selected villages outside of Prague (Jaggers, 2011). The Nazis were occupying Czechoslovakia— this was a total war. Heydrich’s assassination was justified in that sense. However, was it still justified after 5,000 innocent people died in retaliation? One could argue that Benes and Moravec should have decided against the assassination in the first place. The assassination occurred in Prague; on the home front. Therefore, the retaliation would be directed at civilians, not soldiers. Moreover, the Nazi’s relentless, unbounded hostility and brutality were no secret to anyone. A horrific reprisal was predictable. Benes and Moravec may never have imagined the response would be as tragic as it was, but they should have known not to trifle with a regime of that nature. The risk was far too great. In fact, this assassination was arguably more ill-conceived than Soleimani’s. The US government at least reasonably confident that the Iranian retaliation would only affect US military troops, not civilians.

On the other hand, Yamamoto’s assassination did not run nearly as great a risk. After intercepting Japanese radio communications that revealed Yamamoto’s whereabouts, Pacific Fleet Intelligence officer Edwin Layton and Admiral Chester Nimitz considered the pros, cons and ethics of assassinating the Japanese admiral (Toll, 2020). They knew his death would be a “tremendous blow” to Japanese morale, as Yamamoto was both widely popular and militarily irreplaceable. However, this was a strategic military decision made in the midst of “savage, all-out war” (Toll, 2020). Any hostile “retaliation,” would be a continuation of what was already

occurring. The assassination was carried out in a combat zone where hundreds of thousands of allied soldiers had died and were *still* dying. Yamamoto's naval brilliance had certainly intensified the struggle over Guadalcanal and the Solomon Islands, and Layton and Nimitz had every right to eliminate him.

Conflict in international relations is rarely black and white. From an American standpoint, perhaps Soleimani deserved to die. There is no question that he had American blood on his hands. He oversaw "sophisticated weapons and tactics" that "menaced US troops for years, leaving a trail of dead and wounded service members" (Horton, 2020). He likely *would* be responsible for more American deaths in the future. Many qualify his assassination as a justified act of self-defense by the US military. However, that does not change the fact that we are not engaged in a formal war with Iraq. Nor does it replace the threat of a truly imminent attack. Still, Americans may say we must protect our country at all costs. But at what cost exactly? Even if Soleimani's assassination protects short-term US interests, assassination cannot be allowed to occur on the loose basis of a perceived threat. The US runs the much greater risk of setting a very dangerous precedent. Normalizing state-sponsored assassination will jeopardize international order. The US does not have a monopoly on long-range armed drones, and their counterterrorism drone campaign has been "a real-time global demonstration for every rogue state or underdog to justify using now-commonly-available UAVs in permissive airspace" (Cronin, 2020). Obviously, actions to deter radical terrorism are fundamentally justified. However, assassinating a senior official of a nation-state presents a very different dilemma. Considering the availability of these kinds of weapons, in addition to the increasing number of assassinations worldwide, the US should more carefully consider its role in setting military standards. More specifically, the US should be distinguishing itself by not engaging in these types of acts (Cronin, 2020).

To conclude, the US was not justified in assassinating General Soleimani. The threat was not truly imminent, nor were the consequences adequately considered. When compared to the fully justified death of Yamamoto, or the arguably unjustified assassination of Heydrich, the case of Soleimani reins the most inappropriate. The US government should recognize that the state-sponsored assassination of an official of a sovereign nation-state— outside of the context of war— is absurd in most cases. In order to avoid further conflict and a breakdown of international norm, Trump and the US military must not act with such irresponsibility in future decisions.

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