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# A Model of Complementary Justice in Iran's Judicial System: From the Case of General Soleimani to the Localization of International Justice

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## ABSTRACT

The present study aims to explicate the theoretical foundations and core components of a model of complementary justice within the judicial system of the Islamic Republic of Iran, with particular emphasis on the case of the assassination of General Qasem Soleimani. The central research question is how, through domestic legal institutions and principles, a localized mechanism can be developed that is simultaneously aligned with international standards of criminal justice. The research employs a descriptive-analytical methodology, and the data have been collected on the basis of international instruments (the Rome Statute, the Draft Articles on Responsibility of States for Internationally Wrongful Acts, and international human rights covenants) and the domestic laws of Iran (the Islamic Penal Code, the Law on Supporting Victims of Terrorism, and the Law on the Jurisdiction of Iranian Courts in Civil Actions against Foreign States). The findings indicate that the principle of complementarity in global justice is compatible with the jurisprudential foundations of justice in the Islamic legal system and can provide a theoretical basis for the localization of international justice. Within this model, national courts, by assuming complementary and protective jurisdiction, are capable of compensating for the gaps arising from the biased or ineffective performance of international institutions. The case of the assassination of General Soleimani constitutes a practical illustration of the capacity for implementing complementary justice at the national level and may serve as a model for Islamic countries and the Global South. In conclusion, the article proposes strategies such as the development of a "Comprehensive International Crimes Act," the establishment of a "Permanent Chamber for Complementary Justice" within the Judiciary, and the strengthening of "judicial diplomacy" as mechanisms for institutionalizing a localized-international justice framework.

**Keywords:** Complementary justice; localization of international justice; national courts; assassination of General Soleimani; universal jurisdiction; human rights.

## Introduction

International criminal justice, following the experiences of the Nuremberg and Yugoslavia tribunals, entered a new phase with the establishment of the International Criminal Court (ICC). The Rome Statute (1998) recognized the principle of complementarity as the foundation of modern justice, meaning that the international mechanism intervenes only when national systems are unwilling or unable to administer justice (1).



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In practice, international justice has often been influenced by the political considerations of major powers and has distanced itself from its principal objective of ending impunity. Therefore, independent states such as the Islamic Republic of Iran are compelled to design a localized model of complementary justice, grounded in their own jurisprudential and domestic legal sources, in order to defend the rights of victims of state-sponsored terrorism and to enforce justice (2).

The assassination of General Qasem Soleimani in January 2020 constitutes a clear instance of the international community's indifference toward violations of peremptory norms. The silence of the United Nations Security Council and international judicial bodies not only failed to realize justice but also revealed the necessity of Iran's judicial self-reliance in the implementation of global justice (3). This study, relying on this theoretical and empirical context, seeks to explicate the foundations and mechanisms for the localization of complementary justice within Iran's judicial system.

The indifference of international institutions toward this crime highlights the importance and necessity of strengthening Iran's judicial system in the enforcement of transnational justice. Accordingly, the present research endeavors to clarify the concept of complementary justice and its theoretical and jurisprudential foundations, while examining the capacities and challenges of Iran's judicial system in localizing this model. It is expected that the findings will offer a practical strategy for greater convergence between national and global justice in combating impunity for international crimes.

### Theoretical Foundations

The system of international criminal justice is based on two fundamental principles: the complementarity of global justice and the jurisdiction of national courts in prosecuting international crimes. The principle of complementarity is enshrined in the Rome Statute of 1998 as the axis of the relationship between the ICC and national systems; pursuant to Article 17, the Court intervenes only when states are "unwilling or unable" to conduct genuine proceedings. Thus, international justice is not a substitute for national justice but rather functions as its complement (1).

From intellectual and jurisprudential perspectives, the concept of complementary justice in the Islamic tradition is also grounded in established theoretical foundations. Doctrines such as the obligation to establish justice and the collective responsibility embodied in the principles of enjoining good and forbidding wrong indicate a shared duty to oppose injustice and restore rights. Consequently, the realization of justice in Islam is not merely an international concern but an inherent national obligation (2, 4). This approach aligns with the principle of complementarity in global justice, as both frameworks assign primary responsibility for enforcing justice to states.

The concept of "global justice" has likewise been articulated through diverse theories in contemporary thought. According to modern perspectives, global justice is realized when the international community consists of just peoples who are committed to justice within their own societies, implying that global justice begins with national justice. The ICC has adopted this outlook by respecting state sovereignty while emphasizing their participation in the administration of justice (1).

Within the context of Iranian law, complementary justice has gradually emerged as a localized model of international justice. Domestic laws, including the Law on the Jurisdiction of Iranian Courts in Civil Actions against Foreign States (2011) and the Law on Supporting Victims of Terrorism (2016), have created effective capacities for the realization of transnational justice within the national legal framework. The principle of complementary justice

represents an effort to balance state sovereignty with the global responsibility of the international community (5). From an Islamic viewpoint, justice is neither exclusively national nor purely global; rather, it is a divine obligation that must be fulfilled at all levels (5).

In Islamic jurisprudence, the principle of “negation of domination” (Qur'an 4:141) prohibits any foreign judicial authority over the Islamic community, while the doctrine of enjoining good and forbidding wrong establishes a universal foundation for opposing injustice. Accordingly, the principle of complementarity in international law closely corresponds with the concept of “obligatory justice” in Islamic jurisprudence (2).

In Iranian law, Articles 156 and 159 of the Constitution designate the judiciary as the official authority for adjudicating grievances and condition extraterritorial jurisdiction upon statutory authorization. The Law on the Jurisdiction of Iranian Courts in Civil Actions against Foreign States (2011) and the Law on Supporting Victims of Terrorism (2016) provide the legal basis for the implementation of complementary justice.

### **Analysis of the Assassination of General Soleimani and the Necessity of a Localized Model**

The assassination of General Soleimani and Abu Mahdi al-Muhandis on Iraqi territory constituted a flagrant violation of Article 2(4) of the Charter of the United Nations and the principle of non-use of force (6). Official reports have characterized this attack as a crime against humanity (7).

The inaction of the International Criminal Court with respect to this case contradicts the principle of sovereign equality and the concept of global justice (8). Accordingly, in 2022, the Tehran International Prosecutor's Office, invoking Articles 7 and 8 of the Islamic Penal Code, formally registered a complaint against 127 American defendants (9).

From the perspective of complementary justice, this initiative represents a step toward the restoration of national jurisdiction in the transnational sphere; that is, Iran, relying on divine principles, national law, and peremptory international norms, proceeds to enforce justice in the absence of effective global justice (1).

### **Challenges of Implementing Complementary Justice in Iran**

According to the research findings, three main categories of obstacles hinder the realization of complementary justice. The first challenge concerns legislative deficiencies, as the absence of a comprehensive law on international crimes in Iran has prevented courts from addressing crimes against humanity within an independent legal framework (10).

The second category relates to structural and institutional limitations, including the lack of specialized international courts within the judiciary and the shortage of judges trained in international criminal law (10).

The third challenge involves political and diplomatic constraints, where pressure from major powers and weaknesses in judicial diplomacy have slowed the pursuit of cases in international forums (4).

#### **4. Capacities of Iran's Legal System for the Realization of Complementary Justice**

In contrast to these obstacles, Iran possesses several significant legal and jurisprudential capacities. One such capacity is the jurisprudential foundation of global justice, rooted in the teachings of Imam Ali emphasizing standing for the rights of the oppressed, which provides normative support for the globalization of Islamic justice.

Another capacity lies in national jurisdictional legislation, particularly the 2011 Law on the Jurisdiction of Iranian Courts in Civil Actions against Foreign States, which has consolidated Iran's legal basis for exercising universal jurisdiction.

Additionally, the human-centered approach of the Law on Supporting Victims of Terrorism (2016) obliges Iran to recognize, protect, and compensate victims of terrorism.

Finally, active judicial diplomacy, exemplified by the establishment of the Legal Taskforce on the Assassination of General Qassem in 2023, reflects a regional application of complementary justice through cooperation with Iraq (11).

### **Proposed Model for the Localization of International Justice**

Based on data analysis, the Iranian model of complementary justice is articulated across three levels.

At the legislative level, it proposes the enactment of a “Comprehensive International Crimes and Complementary Justice Act,” defining independent criminalization of genocide, crimes against humanity, and state terrorism (10).

At the judicial and institutional level, it recommends the establishment of a “Permanent Chamber for Complementary Justice” within the Supreme Court to handle international cases (12).

At the foreign policy and regional cooperation level, it advocates the expansion of judicial cooperation and the formation of a “Joint Islamic Resistance Tribunal” based on the principle of complementarity (13).

This model enables the integration of global justice and Islamic justice within a framework of judicial pluralism and may serve as a template for countries of the Global South (1).

#### **Global Justice Theory and Transnational State Responsibility**

International criminal justice, following World War II and the establishment of the Nuremberg and Tokyo tribunals, transcended state jurisdiction and recognized individual criminal responsibility before the international community (1). This transformation marked the origin of what later became known as the theory of global justice, aimed at extending criminal and human rights protections beyond political borders.

The principle of shared state responsibility for international crimes constitutes the legal foundation of this transition. Under contemporary international law, all states bear responsibility for responding to gross violations of peremptory norms, a concept that later manifested in universal jurisdiction and the principle of complementarity (1).

From an Islamic perspective, global justice is grounded in the collective responsibility of humanity to confront wrongdoing and oppression. In Iran’s justice-oriented jurisprudence, this transnational responsibility is conceptualized through collective self-defense and the global obligation of enjoining good and forbidding wrong (5).

Theorists of international law generally recognize two foundational pillars of global justice: human dignity as the universal standard of jurisdiction and a multi-level legal structure in which justice is realized through interaction among international, national, and regional systems (14).

Accordingly, global justice becomes attainable only when states, including Iran, view themselves not merely as subjects of international justice but as its active enforcers, thereby embracing the concept of transnational responsibility, which obliges states to prosecute violations of peremptory norms such as state-sponsored assassination at the national level (3).

Consequently, complementary justice in Iran’s judicial system is not a mechanism of isolation from the international order but rather a localized embodiment of global justice, enabling Iran to play an active role in shaping an emerging global legal order.

#### **Position of the Principle of Complementary Justice in the Legal System of the Islamic Republic of Iran**

The principle of complementary justice in Iranian law rests upon three interconnected foundations: jurisprudential-religious, legal-constitutional, and institutional-executive.

At the first level, Islamic jurisprudence emphasizes the universal obligation of justice, forming the normative basis for the Islamic state's commitment to justice even in international relations (2, 5). Accordingly, when interpreted within Islamic jurisprudence, the principle of complementarity serves not merely as a mechanism for filling gaps in international adjudication but as a means of realizing divine–human justice (2).

At the second level, Iran's constitutional framework, particularly Article 156 of the Constitution, designates the judiciary as the guardian of justice, while Articles 152 and 153 ground Iran's foreign policy in resistance to oppression and domination, thereby providing constitutional justification for transnational justice commitments (5).

Furthermore, statutory instruments such as the 2011 Law on the Jurisdiction of Iranian Courts in Civil Actions against Foreign States and the 2016 Law on Supporting Victims of Terrorism establish the legal basis for exercising complementary jurisdiction, allowing Iranian courts to adjudicate serious human rights violations committed by foreign officials (9).

At the third level, institutional practice demonstrates tangible implementation of complementary justice, notably through the establishment of the International Branch of the Tehran Public Prosecutor's Office in 2022 to prosecute the Soleimani assassination case, as well as the coordinated efforts between judicial authorities and the Ministry of Foreign Affairs under the supervision of the Supreme National Security Council (6, 9).

Therefore, complementary justice in Iran is characterized by jurisprudential legitimacy, constitutional and statutory support, and institutional dynamism, rendering it a distinctive and indigenous component of Iran's legal and criminal policy framework.

### **Analysis of the Soleimani Assassination Case within the Framework of Complementary Justice**

The assassination of General Qasem Soleimani represents a convergence of international criminal law, Iranian domestic law, and Iraqi jurisdiction. Comparative analysis reveals that the U.S. action on Iraqi territory constituted a clear violation of Article 2(4) of the Charter of the United Nations and fundamental principles prohibiting the use of force and protecting state sovereignty (1). Substantively, the act qualifies as an international crime subject to universal jurisdiction due to the intentional killing of an official on an official mission and the violation of the right to life (3, 7).

Two forms of jurisdiction are implicated: the territorial jurisdiction of Iraq and the personal and protective jurisdiction of Iran over its national and official representative. Pursuant to Articles 7 and 8 of the Islamic Penal Code, Iranian courts possess jurisdiction over crimes committed abroad against Iranian nationals (9). In this context, the Tehran International Prosecutor's Office issued indictments against more than 127 defendants, including senior U.S. officials, and formally sought judicial cooperation with Iraq through diplomatic channels (9).

Within the complementary justice paradigm, this initiative exemplifies national enforcement of justice in the absence of effective international mechanisms, positioning Iran not merely as a political claimant but as a functional complement to global justice institutions.

### **Challenges and Solutions in the Path toward Realizing Complementary Justice**

#### **1. Legislative Barriers**

The absence of a specific statute governing the prosecution of international crimes before national courts has resulted in much of the legal reasoning being conducted through interpretive use of general laws (10). Consequently,

courts are compelled to rely on general principles or jurisprudential sources to define precise concepts such as “crimes against humanity” or “state terrorism.”

## 2. Executive and Institutional Barriers

The current structure of the judiciary lacks a permanent specialized body for international crimes. Existing branches are largely temporary and do not possess adequately trained experts in international criminal law (10).

## 3. Barriers to International Cooperation

Judicial and political sanctions imposed on Iran, along with obstruction by certain states in providing flight data and related information, have disrupted evidence collection and the extradition of suspects (3).

## 4. Media Barriers and Political Legitimacy

Media coverage of the case has largely remained confined to political narratives, while its human and legal dimensions have received insufficient attention (6). At the international level, Western courts, influenced by political propaganda, have not fully recognized the legitimacy of Iran’s legal actions.

## Conclusion

The present study, by examining the theoretical and operational foundations of complementary justice, demonstrates that this model functions as the connecting link between international justice and national jurisdiction, and that it can, within the framework of Iran’s judicial system, contribute to the realization of punitive justice and the protection of victims of international crimes. The findings emphasize that, in light of the principle of national sovereignty, Iran must rely on its domestic capacities—such as the Islamic Penal Code, the general jurisdiction of national courts, and the principle of combating impunity—in order to develop a localized model of complementary justice.

Comparative analysis indicates that, despite the functional weaknesses of international courts, reliance on national mechanisms enjoys greater political and cultural legitimacy. The case of the assassination of General Soleimani constitutes a clear illustration of the possibility of utilizing these indigenous capacities, as national justice in this instance plays an auxiliary and complementary role in relation to international justice.

The analysis of domestic and international legal instruments shows that complementary justice in Iran will become effective only if three axes are simultaneously reformed:

1. the enactment of a specific national law on international crimes;
2. the establishment of permanent specialized judicial chambers for adjudicating transnational crimes;
3. the expansion of judicial diplomacy and the development of intelligence and legal cooperation between Iran and other states.

Accordingly, “Islamic–national complementary justice” can be presented as an Iranian model of global justice—one that, while respecting the peremptory norms of international law, is grounded in the ethical, moral, and jurisprudential values of Iranian society. This model not only contributes to restoring the rights of victims of international crimes and terrorism, but also lays the foundation for the emergence of a self-reliant and justice-oriented national legal system.

From a theoretical perspective, the concept of complementary justice in international criminal law is based on the primacy of national jurisdiction over international jurisdiction where domestic judicial capacity exists; however, this study demonstrates that within the context of the Islamic Republic of Iran, this principle is not merely a conceptual translation but, by virtue of Islamic jurisprudential and ethical foundations, becomes an integrated

Islamic–national model of justice. In this model, justice is not subordinate to the will of global powers but represents the embodiment of legal rationality and the moral conscience of a society committed to defending the oppressed.

The analysis of the Soleimani case indicates that Iran's judicial system, through reliance on the principles of universal jurisdiction and the Islamic Penal Code, has been able to activate existing capacities for prosecuting crimes of state terrorism. Although this path is still at an early stage, even this symbolic action has revealed the gap between discriminatory international justice and independent national justice. Accordingly, the Islamic Republic of Iran can, through enacting a specific international crimes law, establishing a permanent special court for transnational crimes, and engaging actively with regional organizations, develop an indigenous model for the realization of global justice—one whose function transcends political reaction and is based on a continuous and institutionalized structure.

From a strategic perspective, this research proves that complementary justice is operationally feasible in Iran, provided that three fundamental elements are strengthened:

1. comprehensive and specialized legislation on international crimes consistent with Iran's jurisprudential system and human rights commitments;
2. the creation of specialized judicial institutions with systematic training of judges and experts in the field of international responsibility of states and individuals;
3. active judicial diplomacy aimed at securing cooperation from national courts and legal institutions of allied states in the West Asia region.

Therefore, at both theoretical and practical levels, complementary justice in Iran's judicial system does not constitute an imitation of Western models but rather represents a "reinterpretation of global justice from an Iranian perspective"—a model founded upon the jurisprudential principles of enjoining good, forbidding wrong, preserving human dignity, and confronting oppression. Within the broader trajectory of Islamic civilization, this model may gradually replace the disillusioning structures of international justice and give voice to nations that, at the margins of the global order, seek the capacity to defend the oppressed. Ultimately, the findings confirm that the Soleimani case is not merely a reminder of loss but the beginning of the formation of a new school of justice in the Middle East: the doctrine of "national complementary justice," which combines legal rationality, political courage, and ethical commitment on the international stage. The continuation of this path can lead to the revitalization of Iran's legal capital and the consolidation of its position within the global architecture of justice—a position in which justice is regarded not as an instrument of power but as the essence of human governance.

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### **Authors' Contributions**

All authors equally contributed to this study.

### **Declaration of Interest**

The authors of this article declared no conflict of interest.

## **Ethical Considerations**

All ethical principles were adhered in conducting and writing this article.

## **Transparency of Data**

In accordance with the principles of transparency and open research, we declare that all data and materials used in this study are available upon request.

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