



Challenges of Transnational Enforcement of Iranian Court Judgments in Defending Human Rights and Combating International Crimes

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Abstract

In the contemporary international order, the enforcement of national judicial decisions in the transnational sphere faces multiple legal and political obstacles. This challenge becomes more critical when international crimes and the actions of powerful states are involved—contexts in which doctrines such as official immunity, the principle of state sovereignty, and the inequitable structure of international institutions effectively undermine enforceability. This study, focusing on Iran's judicial experiences—particularly the case of the assassination of General Qasem Soleimani—seeks to examine the various mechanisms of enforcement and to reveal their points of failure. The findings indicate that the limited network of extradition and mutual legal assistance treaties, states' invocation of human rights barriers, Interpol's refusal to intervene in politically sensitive cases, and political pressures arising from sanctions and geopolitical considerations collectively create a deadlock in the execution of Iranian judgments abroad. Moreover, international practice demonstrates that the double standards of major powers disrupt global justice more than any other factor. Nevertheless, continued legal pursuit, utilization of the capacities of foreign national courts, and the strengthening of judicial diplomacy and regional cooperation may partially compensate for this deficit. The most practical recommendation is that Iran, by revising its domestic legal frameworks and developing proactive initiatives in the international arena, should endeavor to preserve its documentation and legal narrative while seeking alternative paths to justice, thereby gradually contributing to the formation of new norms in international law.

Keywords: enforcement of judgments, international crimes, transnational challenges, Iranian courts

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1. Introduction

The effective administration of justice in response to gross human rights violations and international crimes represents one of the most fundamental challenges to the global legal system (Bassiouni, 2008; Cryer et al., 2019). In the absence of a

centralized global authority, *enforcement* in international law serves as the bridge between norm creation and norm implementation—a bridge whose strength depends on the cooperation and political will of states (International Law Commission, 2001; Nollkaemper, 2011). The experiences of recent decades—from the adoption of the Rome Statute of the International Criminal Court to the establishment of special tribunals—demonstrate that, although the international community has taken important steps to combat impunity, the actual enforcement of international justice remains selective, limited, and deeply influenced by political considerations (Akande, 2003; Ambos, 2016).

States facing political tensions, including Iran, encounter amplified complexities in this realm. On one hand, external pressures and sanctions have diminished Iran's legal engagement capacity with the international community (Ghanea-Hercock, 2010; Zarif, 2020); on the other hand, legislative shortcomings and non-accession to key treaties have restricted its domestic legal potential (Jalilvand, 2017; Taghipour Darzi Naghibi & Soleimani Andarvar, 2022). Within such a context, the central question arises: what obstacles impede the transnational enforcement of Iranian court rulings aimed at protecting the rights of Iranian citizens abroad and confronting international crimes? In other words, even if Iran's legal system issues competent judgments to prosecute crimes against its nationals anywhere in the world, why do these rulings face deadlock when extended beyond national borders?

The main hypothesis posits that the bottleneck lies not within Iran's domestic legal framework but primarily within international norms, procedures, and the lack of cooperation from other states (Nadelmann, 1993; Reydam, 2003). A combination of factors—sovereign and official immunities (Akande & Shah, 2010; Fox & Webb, 2015), absence of bilateral and multilateral judicial cooperation (Jalilvand, 2017; Shearer, 1971), double standards, geopolitical considerations (Gordon, 2013; Johnson, 2021), the absence of recognition and enforcement treaties (Taghipour Darzi Naghibi & Soleimani Andarvar, 2022; Zangi et al., 2025), sanctions and their technical consequences (Joyner, 2016; Zarif, 2020), and human rights objections by destination countries (Ahmadi Nejad, 2012; Amnesty International, 2018)—intertwine to sever the chain of justice enforcement beyond Iran's borders.

The approach of this article is to critically analyze the deficiencies of the current international order in ensuring accountability, aiming—without bias—to demonstrate analytically how these external factors have rendered Iran's judicial efforts to defend its citizens' human rights and reject the impunity of international criminals largely ineffective (Callamard, 2020; United Nations Human Rights, 2020). Subsequently, the concept of enforcement mechanisms in international law and the available transnational legal pathways for pursuing crimes against Iranian nationals will be outlined. The main discussion then focuses on seven principal challenges impeding the extraterritorial execution of Iranian rulings. Each section combines theoretical foundations with empirical examples and comparative practices for clarity.

A case study of the drone attack on General Qasem Soleimani—an event that served as a stress test exposing weaknesses in existing mechanisms—will be legally and procedurally analyzed (Aljazeera, 2020; Katzman, 2020). Finally, the article proposes strategies to improve enforcement, from enhancing judicial cooperation to initiating diplomatic and legal innovations. The overall argument emphasizes that while improving domestic capacity—through codifying international crimes and establishing specialized courts—is necessary, without reforming international procedures and overcoming external barriers, Iran's pursuit of justice for crimes committed against its nationals abroad will remain practically unattainable (Bantekas & Papastavridis, 2017; Crawford, 2019).

2. Theoretical Foundations of Enforcement in International Law

In a state-centric international system, the enforcement of judicial rulings—whether domestic or international—differs fundamentally from national systems. Enforcement in international law refers to the array of mechanisms that ensure the implementation of a legal judgment or rule (International Law Commission, 2001). Owing to the absence of a centralized global authority, these mechanisms are largely decentralized, agreement-based, and dependent on the consent and cooperation of states (Nollkaemper, 2011; Ryngaert, 2015).

As some jurists have noted, the connection between norm and implementation in international law is fragile and incremental, often functioning indirectly through countermeasures, political pressure, sanctions, or judicial cooperation (Bassiouni, 2014; Boister, 2012). For instance, a state enforces another state's court judgment only if it is bound by a treaty of judicial cooperation or accepts it under reciprocity and diplomatic considerations (Almasi, 1990; Shearer, 1971). Therefore, transnational enforcement of judicial decisions—especially criminal judgments—is typically exceptional and complex (Bianchi, 1999; Taghipour Darzi Naghibi & Soleimani Andarvar, 2022). Most states agree to recognize and enforce foreign judgments only when bilateral or multilateral treaties exist and when conditions such as dual criminality, consistency with public order, and respect for the defendant's fundamental rights are satisfied (United, 1958). Consequently, any judgment issued by Iran or any other state must pass through the legal and political filters of other jurisdictions to attain international enforceability.

In the context of combating international crimes—such as genocide, war crimes, crimes against humanity, terrorism, and related offenses—the issue of enforcement acquires heightened importance (Sadat, 2015; Schabas, 2017). These crimes, due to their magnitude and impact, concern the entire international community, leading to the establishment of specialized accountability mechanisms (Ambos, 2016; Bassiouni, 2008). The creation of ad hoc tribunals for Yugoslavia and Rwanda, followed by the International Criminal Court, and the recognition of universal jurisdiction in the domestic laws of several countries represent global attempts to fill enforcement gaps (Gaeta, 2009; Reydams, 2003).

Nevertheless, the role of national courts remains indispensable. Many states are not parties to international tribunals, and the number of cases processed internationally remains limited. National courts—including those in Iran—can exercise jurisdiction based on principles such as personal, territorial, protective, and, in specific instances, universal jurisdiction (Hosseini Khah et al., 2021; Zamani & Hosseini Akbarnejad, 2009). Accordingly, domestic legal systems possess the necessary authority to adjudicate crimes against their nationals; however, executing such judgments beyond national borders depends on alignment with other states and international institutions (Jalilvand, 2017; Nadelmann, 1993).

3. Transnational Pathways for Prosecuting Crimes Against Iranian Nationals

When an Iranian citizen or official is subjected to an attack or crime outside the country's borders—most notably the assassination of General Qasem Soleimani in Iraq—the Iranian legal system possesses several parallel avenues for judicial action and protection of the victim's rights (Aljazeera, 2020; Callamard, 2020). These pathways can be outlined as follows:

(a) Criminal Prosecution in Iranian Courts

Under domestic law—particularly Article 9 of the *Islamic Penal Code* (2013)—Iranian courts may adjudicate crimes committed against Iranian nationals anywhere in the world (Hosseini Khah et al., 2021; Zamani & Hosseini Akbarnejad, 2009). This jurisdictional foundation, which blends the principle of passive personality (protection of nationals as victims) and, in certain serious offenses, a limited form of universal jurisdiction, provides a sufficient legal basis for issuing indictments and judgments (Reydams, 2003; Ryngaert, 2015). In cases such as terrorist attacks against Iranian diplomats or crimes against Iranian military figures abroad, special prosecutors in Tehran have initiated proceedings and, at times, issued indictments *in absentia*. Once a conviction is rendered—even in absentia—Iran may use mechanisms such as Interpol Red Notices, extradition requests, or letters rogatory to bring the accused before justice (Bassiouni, 2014; Icrc, 2013).

(b) Judicial Cooperation with the State of Offense or a Third State

A second pathway involves Iran's use of bilateral or multilateral judicial assistance frameworks (Jalilvand, 2017; Shearer, 1971). Such cooperation may include extradition of offenders, transmission of evidence, formation of joint investigative teams, parallel investigations, and the hearing of witnesses abroad (Icrc, 2013). For instance, following the assassination of General Soleimani on Iraqi soil, a joint investigation between Iranian and Iraqi judges—or the establishment of a binational fact-finding commission—could have been pursued (Reuters, 2011). Furthermore, if suspects have fled to or reside in a third country, Iran may request their arrest, extradition, or trial in that jurisdiction, provided that diplomatic relations and relevant treaties exist (Ahmadi Nejad, 2012; Boister, 2012).

(c) Recognition and Enforcement of Iranian Judgments in Foreign Courts

The third avenue involves efforts to have Iranian court rulings recognized and enforced by foreign jurisdictions. This path is more feasible in civil matters involving compensation, as criminal judgments from one state are rarely enforceable in another except under exceptional circumstances (Taghipour Darzi Naghibi & Soleimani Andarvar, 2022; Zangi et al., 2025). For example, the family of an Iranian victim of an overseas assassination may, after obtaining a conviction and damages award against the perpetrator in Tehran, petition a foreign court where the perpetrator's assets or residence are located to enforce the civil judgment (e.g., *diya* or financial compensation). In practice, however, numerous legal obstacles—such as the absence of a mutual recognition treaty or the *ordre public* objection in the enforcing state—often prevent the success of this route (Almasi, 1990; Nygh & Davies, 2010). These constraints will be discussed in detail in subsequent sections.

(d) Complementary International Pathways

Beyond the three primarily domestic or bilateral mechanisms, specific international remedies also exist. One such mechanism is the exercise of *universal jurisdiction* by third states (Cassel, 2004; Icrc, 2013). This means that a third state—such as a European country—may independently initiate criminal proceedings against perpetrators of crimes committed against an Iranian national, provided that its domestic law grants jurisdiction over international crimes and that the accused is present within its territory (Langer, 2011; Reydam, 2003). Germany, for instance, has prosecuted several perpetrators of atrocities in Syria under its *Code of Crimes against International Law* (Amnesty International, 2020).

Another international route involves invoking mechanisms of the United Nations system, such as referring a situation to the International Criminal Court (ICC) or filing a case before the International Court of Justice (ICJ) against a responsible state (Akande, 2003; Chesterman, 2016). Nonetheless, these options are often constrained by the non-membership of certain states in the Rome Statute, the absence of compulsory ICJ jurisdiction for many states, and the Security Council's veto power (Crawford, 2019; Lowe et al., 2008).

Despite these limitations, Iran can still leverage UN special rapporteurs and international human rights forums to document violations and generate political and moral pressure on the responsible state (Kaleck, 2022; United Nations Human Rights, 2020). A prominent example is the report by Agnès Callamard, the UN Special Rapporteur on extrajudicial, summary, or arbitrary executions, who deemed the U.S. drone strike on General Soleimani unlawful and a violation of international law (Callamard, 2020; Ghanea-Hercock, 2010).

Through these four avenues, Iran's legal strategy for addressing crimes against its nationals abroad emerges as multi-layered and hybrid. In other words, Iran may simultaneously pursue domestic prosecutions, seek foreign judicial cooperation, utilize international legal institutions, and engage in human rights advocacy campaigns to condemn violations (Bantekas & Papastavridis, 2017; Joyner, 2016). Nevertheless, in practice, each of these layers presents significant legal and political obstacles that have rendered Iran's efforts largely ineffective. The following sections analyze these major impediments in detail.

4. Jurisdictional Barriers and Immunities

One of the first and most fundamental obstacles to the extraterritorial enforcement of Iranian court judgments lies in the principle of state and official immunity in international law (Akande & Shah, 2010; Fox & Webb, 2015). Under customary international law, states are immune from the jurisdiction of other states' courts, and high-ranking state officials enjoy personal immunity from criminal prosecution by foreign jurisdictions while holding office. Although this principle was designed to preserve the equality of sovereign states, it has frequently evolved into a shield protecting perpetrators of international crimes (Bianchi, 1999; Gaeta, 2009).

Whenever Iran seeks to convict a foreign official or national for an offense such as terrorism or a war crime, and then attempts to pursue enforcement abroad, the state of that individual typically invokes two defenses: (1) the immunity of the state or its official, and (2) the doctrines of *act of state* and *political question* in the courts of third countries (Akande, 2003; Wuerth, 2011).

Immunity manifests in two distinct forms: personal immunity (*immunity ratione personae*) and functional immunity (*immunity ratione materiae*). The former applies to heads of state, heads of government, and foreign ministers during their term

of office, fully shielding them from the criminal jurisdiction of foreign courts—even for international crimes. Personal immunity is thus absolute but temporary: as long as the official holds office, no foreign tribunal may prosecute them, even if they have committed an international crime (Akande & Shah, 2010; Fox & Webb, 2015). For example, in the case of the assassination of General Qasem Soleimani, then-U.S. President Donald Trump enjoyed personal immunity, preventing any foreign court, including those in Iraq, from formally indicting him during his presidency (Akande & Shah, 2010; United Nations Human Rights, 2020).

Functional immunity, on the other hand, is more complex. It concerns acts performed in an official capacity and can be claimed by former officials or military officers after leaving office. The critical question is whether a former official who commits an international crime can escape prosecution on the grounds that the act was a sovereign function. Powerful states often argue that no recognized exception to official immunity for international crimes exists in customary international law (Crawford, 2019; Gaeta, 2009). This was affirmed by the International Court of Justice (ICJ) in the 2002 *Arrest Warrant* case (Democratic Republic of the Congo v. Belgium), which upheld the immunity of the then-Foreign Minister of the Congo (Cryer et al., 2019; International Law Commission, 2017).

In contrast, an evolving trend in certain national courts and among many international jurists asserts that international crimes such as torture, genocide, war crimes, and crimes against humanity are so serious that they cannot be shielded by functional immunity (Reydams, 2003; Roht-Arriaza, 2005). This position holds that a state official who orders torture or assassination cannot invoke official duty as a defense, since doing so would “create an immunity tantamount to the crime itself.” This rationale was embraced in the landmark *Pinochet* judgment of the British House of Lords (1999), which ruled that former Chilean dictator Augusto Pinochet was not entitled to functional immunity for acts of torture and crimes against humanity, and could therefore be arrested for extradition to Spain (Bianchi, 1999; Roht-Arriaza, 2005).

The *Pinochet* decision marked a turning point, inspiring subsequent cases in France, Italy, the Netherlands, Senegal, and even Germany, where former foreign officials were prosecuted for international crimes (Cryer et al., 2019; Reydams, 2003). The most recent example is a 2021 ruling of the German Federal Court, which explicitly held that a former Afghan military officer had no functional immunity for war crimes committed in Afghanistan and could be convicted under German law (Amnesty International, 2020; Langer, 2011). The court invoked the Nuremberg principle that “official position shall not be a defense to criminal responsibility,” affirming that current customary international law does not recognize functional immunity for such grave crimes (Cryer et al., 2019; International Law Commission, 2017).

Nevertheless, one must not overlook the enduring reality of *double standards* and political pressure. Whenever cases have challenged the immunity of officials from powerful nations, political backlash and legislative rollbacks have followed (García, 2014; Reydams, 2003). Belgium’s once-progressive universal jurisdiction law—allowing its courts to prosecute international crimes regardless of territorial or national connection—was drastically curtailed in 2003 after complaints were filed against U.S. and Israeli officials. Under threat of U.S. political and economic retaliation, including warnings that NATO headquarters might be relocated from Brussels, Belgium amended its law to limit such prosecutions (García, 2014; Roht-Arriaza, 2005). Similarly, Spain’s courts, which in the 2000s investigated human rights violations by Chinese and U.S. officials, restricted their universal jurisdiction statute in 2009 and again in 2014 by requiring a strong national nexus—such as the victim’s nationality or the suspect’s presence in Spain—thereby excluding politically sensitive cases (Bassiouni, 2008; Boister, 2012). These developments reveal that even where legal exceptions to immunity are recognized, their practical enforcement depends heavily on political will.

The *Soleimani* case vividly illustrates the collision of these principles. Iran and many international jurists regard the U.S. strike as a blatant violation of *jus cogens* norms prohibiting unlawful use of force and extrajudicial killing (Callamard, 2020; Ghanea-Hercock, 2010). The UN Special Rapporteur, Agnès Callamard, concluded that the U.S. claim of self-defense lacked legal basis and that the strike constituted an arbitrary killing and a breach of Iraq’s sovereignty (United Nations Human Rights, 2020). By this reasoning, those who ordered and carried out the attack committed the international crimes of state

terrorism and unlawful killing, for which they should be held accountable. Yet, shielded by personal immunity and political power, the United States effectively nullified any attempt at prosecution (Akande & Shah, 2010; Wuerth, 2011).

Even after Trump's term ended, the U.S. government could still assert that the operation constituted a sovereign act of counterterrorism or self-defense—an argument legally tenuous yet politically persuasive enough to dissuade U.S. allies from cooperating judicially with Iran (Joyner, 2016; Zarif, 2020). Under the *act of state* doctrine, U.S. courts may also decline jurisdiction over the legality of another state's sovereign acts, especially military operations, deeming such matters nonjusticiable (Fisher, 2007; Wuerth, 2011). Collectively, these factors ensure that any Iranian court ruling condemning those responsible for the assassination remains largely declaratory rather than practically enforceable.

This impasse became evident in June 2020, when Iran's judiciary requested Interpol Red Notices for 36 suspects, including Donald Trump. Interpol immediately rejected the request, citing the political and military nature of the case as incompatible with its mandate. Under Article 3 of the Interpol Constitution, the organization is prohibited from engaging in political or military matters, and thus deemed the Soleimani case ineligible for action (Aljazeera, 2020; Icrc, 2013). Consequently, Iran's initial step toward securing arrests through Interpol was thwarted at the intersection of immunity and international politics.

5. Gaps in Judicial Cooperation (Mutual Legal Assistance, Extradition, and Interpol)

Assume that an Iranian court has convicted a foreign national or official for committing a crime against an Iranian citizen and that it is now time to enforce the sentence. If the individual is not within Iran's jurisdiction—which is typically the case in such proceedings—enforcement depends entirely on the judicial cooperation of other states (Bassiouni, 2014; Shearer, 1971). Judicial cooperation can take several forms, the most significant being extradition, mutual legal assistance in investigation and evidence gathering, transfer of convicted persons, and issuance of Interpol notices. Among these, extradition forms the backbone of international criminal cooperation because, without the physical transfer of the accused to the jurisdiction that issued the judgment, implementation of punishment—particularly imprisonment or capital punishment—is impossible (Boister, 2012; Jalilvand, 2017). Unfortunately, Iran faces deep structural gaps in this area.

First, the network of extradition and judicial assistance treaties involving Iran is very limited. Unlike many other states, Iran is not a party to major multilateral treaties on judicial cooperation—such as the *European Convention on Extradition*—and it maintains few active bilateral treaties with Western states. Most of Iran's extradition agreements are confined to neighboring or politically aligned countries such as Iraq, Afghanistan, China, Russia, and several Central Asian states (Jalilvand, 2017; Nadelmann, 1993). In the absence of a treaty framework, any request for extradition outside this circle becomes subject to the political discretion of the requested state and the principle of reciprocity (Boister, 2012; Reydam, 2003).

Another major legal hurdle is the principle of dual criminality, which allows a requested state to extradite an offender only if the act in question constitutes a crime under both legal systems (Bassiouni, 2014; Shearer, 1971). While this principle appears straightforward, in practice it is fraught with interpretive complexities. An act that constitutes terrorism or a war crime under Iranian law may not be similarly defined elsewhere. For instance, Iran considers the assassination of General Qasem Soleimani to be an act of *state terrorism*, whereas the United States and some Western states may categorize it as a *counterterrorism operation* within the framework of national security. Thus, if Iran were to request the extradition of those responsible from a European state, the court of that state might argue that the offense is not established under its own laws or that the act's political or military nature falls within exceptions that preclude extradition (Fox & Webb, 2015; Joyner, 2016).

A further impediment arises from the human rights exception to extradition. Many states—especially in Europe—maintain strict prohibitions against extraditing individuals to countries where they face a risk of torture, execution, or unfair trial (Ahmadi Nejad, 2012; Amnesty International, 2018). This principle, rooted in instruments such as the *European Convention on Human Rights*, prevents states from indirectly contributing to human rights violations. The European Court of Human Rights has repeatedly affirmed in cases like *Soering v. United Kingdom* (1989) that extraditing a person to face inhumane punishment, including execution, would breach the state's obligations under Article 3 of the Convention (Bantekas & Papastavridis, 2017; Hood & Hoyle, 2015). In Iran's case, this means that even if the perpetrator of a crime against an Iranian citizen were arrested in Europe, extradition would likely be denied if there were concerns about capital punishment or

the fairness of trial proceedings in Iran. Indeed, there have been several instances in which European courts have refused to extradite persons accused of national security crimes in Iran and instead granted them asylum, citing potential risks of torture or execution (Amnesty International, 2018; Ghanea-Hercock, 2010). Although most of these cases involved political dissidents, the same reasoning could apply to individuals accused of war crimes against Iranians.

International sanctions and the severance of diplomatic relations have further exacerbated this problem. For example, the suspension of judicial cooperation between Canada and Iran following the killing of Zahra Kazemi, or the lack of diplomatic relations with the United States, has effectively eliminated any formal channel for extradition or legal assistance (Johnson, 2021; Zarif, 2020).

Interpol represents another vital but politically constrained instrument of transnational judicial cooperation. Article 3 of the *Interpol Constitution* prohibits the organization from engaging in activities of a political, military, racial, or religious character (Icrc, 2013; Nadelmann, 1993). While this provision appears neutral, it effectively excludes numerous politically sensitive cases. Nearly all of Iran's requests for Red Notices against U.S. or Israeli officials have been rejected on the grounds that they involve political or military issues (Aljazeera, 2020; Icrc, 2013). In the Soleimani case, Interpol publicly declared that it would not process Iran's request even before formal review, illustrating the political sensitivities that undermine Iran's ability to rely on conventional police cooperation mechanisms (Callamard, 2020; United Nations Human Rights, 2020).

A practical illustration can be found in the aftermath of the *Soleimani assassination*. Immediately after the incident, Iran dispatched a judicial delegation to Baghdad through the Ministry of Foreign Affairs and the judiciary to coordinate a joint investigation with Iraq (Aljazeera, 2020; Reuters, 2011). Despite Iraq's direct interest—given that one of its own commanders, Abu Mahdi al-Muhandis, was also killed—political pressure and U.S. influence hindered substantive progress. According to Iranian officials, Iraq identified field operatives but failed to proceed further due to external interference. Iran's subsequent attempt to involve Interpol was similarly fruitless. The absence of a criminal mutual assistance treaty with the United States meant there was no formal legal avenue for requesting extradition or interrogation of suspects (Boister, 2012; Jalilvand, 2017).

As a result, the *Soleimani* case became effectively *jurisdictionless* in the international judicial arena: Iraq lacked capacity or resolve to pursue it, neither Iran nor the U.S. are members of the Rome Statute of the ICC, and no third country had the political will to open a prosecution (Amnesty International, 2020; United Nations Human Rights, 2020). Interpol, too, declined to intervene. This scenario exemplifies the failure of judicial cooperation caused by the convergence of treaty gaps and overriding political considerations (Akande, 2003; Cryer et al., 2019).

In terms of evidence and investigation, cooperation is equally fraught. States where the crime occurred may refuse to share information, or strict regulations on classified material may block the transfer of critical evidence such as satellite imagery, recorded communications, or forensic reports. Without such cooperation, the credibility and enforceability of Iranian judgments are undermined in the eyes of foreign jurisdictions (Ambos, 2016; Bassiouni, 2008). Thus, the lack of mutual legal assistance, coupled with political resistance and institutional paralysis, leaves Iran's pursuit of justice across borders largely ineffectual.

6. Obstacles to the Recognition and Enforcement of Iranian Judgments Abroad (Non-Recognition by Foreign Courts)

Another fundamental challenge is the non-recognition and non-enforcement of judgments issued by Iranian courts in foreign jurisdictions. As noted, the enforcement of an Iranian criminal judgment on the territory of another state is rare; yet even Iranian civil judgments—for example, awards of damages or *diya* arising from a crime—are, in many instances, not recognized abroad. The reasons lie in private international law principles and states' approaches to foreign judgments. As a general rule, courts will enforce a foreign judgment only where a treaty exists or certain conditions are satisfied, such as: proper jurisdiction of the rendering court, finality of the judgment, absence of conflict with the public policy of the enforcing forum, reciprocity, and related criteria (Nygh & Davies, 2010; Zangi et al., 2025).

(a) Absence of bilateral or multilateral instruments on judgment recognition and enforcement: Iran is not a party to key international conventions on the recognition and enforcement of judgments (for example, the 1958 New York Convention on arbitral awards or the 2019 Hague Judgments Convention), and it has only a limited number of bilateral arrangements.

Therefore, foreign courts are generally under no obligation to give effect to Iranian judgments. As a result, if the family of an Iranian victim obtains a damages judgment in an Iranian court against a foreign state or national (an avenue facilitated in part by Iran's 2011 statute conferring civil jurisdiction over foreign states), they must apply to the courts of the state where the defendant's assets are located; yet those courts may refuse recognition on the grounds that there is "no treaty basis and reciprocity is not established." Iran itself conditions the enforcement of foreign judgments on reciprocity; if a foreign state does not recognize Iranian judgments, Iran likewise refuses to recognize theirs. This reciprocity requirement creates a closed loop that freezes cross-border judgment enforcement between the two states (Nollkaemper, 2011; Taghipour Darzi Naghibi & Soleimani Andarvar, 2022; United, 1958).

(b) Public policy (*ordre public*) objections: Even where a treaty exists or formal conditions are met, courts in the enforcing state may decline recognition if the foreign judgment or the procedure underlying it is deemed contrary to the forum's public policy or fundamental principles. An Iranian court may, consistent with Iranian law, award *diya* or determine a foreign state's liability. A foreign court, however, may conclude that the judgment is incompatible with its constitutional guarantees or core legal standards. In some jurisdictions, foreign state immunity is treated as a matter of public policy; accordingly, a judgment from Iran ordering a foreign state to pay damages could be rejected as violating that principle. Likewise, if the Iranian judgment includes corporal or capital punishment for the underlying offense, a foreign court may regard the outcome as inconsistent with its human rights policy, even if only the civil component is sought to be enforced. The mere presence of a capital sentence in the same case file can lead a foreign judge to question the neutrality or fairness of the proceedings and refuse enforcement (Crawford, 2019; Dicey et al., 2006).

(c) Procedural and due-process defects: Foreign courts may also refuse recognition on technical grounds, such as the defendant's absence and an *in absentia* judgment, improper service of process, or lack of jurisdiction by the Iranian court. While these objections may be debated on the merits, experience shows that in sensitive cases foreign courts scrutinize the integrity of foreign procedures more strictly as a gatekeeping device to block enforcement.

To make the discussion concrete, consider several illustrations: in recent years, Branch 55 of the Tehran Civil Court has issued judgments under the 2011 law awarding billions of dollars in damages against the United States for actions alleged against Iran. These Tehran judgments have not been enforced abroad: there are no reachable U.S. state assets available for execution, and foreign courts are disinclined to recognize such awards (U.S. courts certainly will not, and third states are reluctant to confront the United States) (Nollkaemper, 2011; Shany, 2007). In the well-known saga of Iran's national jewelry diamonds located abroad after the 1979 revolution, Iran obtained an order from a court in Italy for the return of the diamonds, yet enforcement became entangled in complex conflicts-of-laws issues, competing judgments, sovereign immunity of state property, and public policy concerns. Broadly speaking, whenever sovereign interests or national-security equities are implicated in an Iranian judgment, the probability that a foreign court will accept it is low (Bantekas & Papastavridis, 2017; Nollkaemper, 2011; Shany, 2007).

What does this mean for an Iranian victim? In most cases, even if they secure a favorable judgment at home, the practical enforcement of that right abroad will remain unattainable. Families of victims of assassination or transnational violence often end up with a paper judgment unless the Iranian state itself provides compensation (e.g., via public funds, insurance schemes, or targeted assistance). This failure of practical justice aggravates victims' sense of helplessness and undermines the perceived legitimacy of legal efforts.

What are the potential remedies? From a private international law perspective, the optimal course is to conclude bilateral agreements or accede to multilateral conventions on the recognition and enforcement of judgments. Although Iran's relations with Western states have complicated such arrangements in recent years, agreements might be feasible with legally compatible partners (e.g., among Muslim-majority or Non-Aligned states) to secure at least mutual recognition of civil judgments (Taghipour Darzi Naghibi & Soleimani Andarvar, 2022; Zangi et al., 2025). Another route is for Iranian victims to bring direct civil actions in third-state courts—instead of relying on an Iranian judgment—so that any resulting award is already embedded within the enforcing jurisdiction's legal system. For example, the family of General Soleimani could bring a damages suit in Iraq or, where jurisdiction exists, in another forum; while hurdles such as state immunity and political sensitivities would remain, the problem of foreign-judgment recognition would not arise. Additionally, Iran could convert criminal claims into civil remedies by obtaining default damages judgments (where appropriate) and then pursuing the monetary component in

foreign courts through local proceedings aimed at attachment of available assets (e.g., bank accounts or real property), a strategy that mirrors certain U.S. terrorism-related cases—though the legitimacy of those precedents is debated (Bantekas & Papastavridis, 2017; Crawford, 2019).

More broadly, the recognition gap stems from mutual distrust among judiciaries and divergent legal standards. Building trust takes time and requires judicial engagement, clearer legislation, and adjustment of certain domestic rules (including those governing the enforcement of foreign judgments in Iran). If Iran demonstrates willingness—within statutory limits—to respect and enforce qualifying foreign judgments from reputable courts, it becomes more credible in asking others to reciprocate (Nollkaemper, 2011; Nygh & Davies, 2010). Enhancing the quality of proceedings in Iran—modern procedural safeguards, opportunities for foreign counsel, and authoritative translations of judgments—can also improve external perceptions and reduce refusals premised on fairness concerns. Ultimately, given current geopolitical realities, enforcing Iranian court judgments in Western jurisdictions is nearly impossible; therefore, creative, multi-track legal strategies—including international arbitration, use of neutral or non-Western courts, and negotiated, non-judicial compensation mechanisms—will be necessary to vindicate the rights of Iranian victims (Bantekas & Papastavridis, 2017; Taghipour Darzi Naghibi & Soleimani Andarvar, 2022; Zangi et al., 2025).

7. Politicization and Double Standards in the Administration of Justice

No sphere of international law is immune from political influence, and the transnational enforcement of judicial decisions is profoundly affected by geopolitical rivalries and the double standards of major powers. *Politicization* here refers to the inconsistent application of legal standards depending on whose strategic interests are involved. This reality has led many observers to describe international justice as *selective justice* (Akanke, 2003; Gaeta, 2009; Schabas, 2017).

When victims are supported by Western states, international legal mechanisms often operate at full capacity. The killing of Saudi dissident Jamal Khashoggi in Istanbul, for example, provoked strong public outrage across the West, with calls for criminal accountability against Saudi officials. Similarly, the alleged use of chemical weapons in Syria was swiftly brought before the UN Security Council by major powers, resulting in the creation of investigative mechanisms. By contrast, the deaths of hundreds of Iranian or Afghan Shi'a civilians in attacks by U.S. or Israeli forces attracted little international attention, and no meaningful steps were taken to ensure accountability (Kaleck, 2022; Langer, 2011).

Numerous instances illustrate this asymmetry. In 2002, the United States adopted the *American Service-Members' Protection Act* ("The Hague Invasion Act"), authorizing the use of *any means necessary*—including military force—to free any U.S. national detained by the International Criminal Court (ICC). Moreover, the U.S. concluded dozens of bilateral agreements prohibiting the extradition of its citizens to the ICC (Bantekas & Papastavridis, 2017; Cryer et al., 2019). Such measures reveal how great powers carve exceptions for themselves, insulating their nationals from the reach of global justice.

For Iran, the implications are particularly acute: many crimes committed against Iranian citizens—such as the assassinations of nuclear scientists, the downing of Iran Air Flight 655 in 1988, and the sponsorship of anti-Iranian terrorist groups—were perpetrated or supported, directly or indirectly, by these very powers. It is therefore unsurprising that those same states not only refuse to assist Iran's legal pursuits but also exert influence to obstruct them behind the scenes (Chesterman, 2016; Lowe et al., 2008).

The UN Security Council's veto structure further compounds this injustice. Any attempt to invoke formal international mechanisms against a major power or its allies is effectively blocked by a single veto. Iran experienced this first-hand during the Iran–Iraq War and the attacks on its oil platforms, when the Security Council either remained silent or issued only symbolic statements (Chesterman, 2016; Lowe et al., 2008). In the *Soleimani* case, even the possibility of bringing the issue before the Council was dismissed due to U.S. influence. The only remaining venues—such as the UN General Assembly or the Human Rights Council—can issue only non-binding resolutions, further fueling skepticism about the impartiality of "official international justice."

A similar double standard is evident in the application of *universal jurisdiction*. Western states actively supported this doctrine when it targeted African or Latin American dictators, but when it began to touch their own officials, they retreated and

amended their laws—Belgium and Spain being prime examples (García, 2014; Reydams, 2003). Today, only a few European states (e.g., Germany, the Netherlands, and Sweden) continue to pursue universal jurisdiction cases concerning conflicts in Syria, Myanmar, or Sudan—and these cases almost exclusively involve perpetrators from weaker or failed states (Cryer et al., 2019; Kaleck, 2022). Were a senior U.S. or Israeli official to appear in Europe, it is doubtful any prosecutor would risk arresting them for war crimes; the political cost would be prohibitive. This chilling effect has paralyzed the system’s capacity to enforce accountability against powerful actors.

For Iran, the imbalance is even starker: nearly every major case it raises—such as the 1987 killing of Iranian pilgrims in Mecca, the assassinations of Iranian scientists, or major cyberattacks against nuclear facilities—implicates either a great power or its allies. Consequently, Iran receives little to no international support in these matters. Even in the Khashoggi case, where Iran strongly condemned the killing and called for global accountability, no meaningful legal action followed beyond a handful of symbolic statements (Cryer et al., 2019; Kaleck, 2022; Langer, 2011).

The *Soleimani* case again exemplifies this politicized pattern. The UN Special Rapporteur, Agnès Callamard, issued a detailed report condemning the U.S. strike as unlawful and a violation of international law (Bianchi & Peat, 2021; Callamard, 2020). Yet even this report failed to secure broad support within the Human Rights Council, and no formal condemnation of the United States ensued. Had the situation been reversed—if an Iranian drone had killed a U.S. general—the response would almost certainly have involved swift Western consensus, sanctions, and possibly military retaliation. This glaring disparity has deepened global mistrust in the fairness of the international legal order.

What can Iran do in such a politicized landscape?

Iran must adopt a pragmatic yet proactive approach. It should acknowledge that pursuing cases like *Soleimani* through formal international or Western judicial systems may take decades, if ever, to yield results. Nonetheless, passivity is not an option. Iran can instead cultivate transnational non-state coalitions—alliances of independent jurists, NGOs, and human rights advocates—to sustain the narrative in academic, media, and public forums (Bianchi & Peat, 2021; Kaleck, 2022). Over time, such civic pressure can reshape moral and political discourse.

Establishing symbolic international tribunals—akin to the *Russell Tribunal* on Vietnam in the 1960s—offers another avenue. Such tribunals, composed of eminent jurists from diverse nationalities, could conduct *moral proceedings* on cases like *Soleimani*, issue declaratory judgments, and preserve the legal narrative for posterity. While non-binding, such judgments contribute to shaping collective memory and legal consciousness.

At the institutional level, Iran and like-minded states should continue to expose double standards in international forums, urging codification of principles such as the non-applicability of immunity for international crimes and mandatory judicial cooperation. Several states, including South Africa, Malaysia, Spain, and some European nations, have voiced support for these proposals (Cryer et al., 2019; International Law Commission, 2017). The adoption of a globally accepted interpretation limiting immunity and reinforcing cooperation could, at minimum, deprive major powers of the moral justification for their selective enforcement.

Ultimately, confronting politicization is itself a politico-legal endeavor. Iran must engage strategically—selecting cases likely to attract neutral or sympathetic support. While highly polarized cases such as *Soleimani* may be difficult, others—like the 1998 killing of Iranian diplomats in Mazar-i-Sharif by the Taliban—demonstrate that international alignment is possible: the UN Security Council condemned the killings, and Iran leveraged international law effectively. Similarly, in the *Iran Air Flight 655* case (1988), Iran’s recourse to the International Court of Justice led to a settlement compelling the United States to pay compensation, albeit without admitting liability (Chesterman, 2016; Lowe et al., 2008).

These precedents show that strategic case selection and appropriate legal forums can yield incremental progress and gradually erode double standards. The true art of Iranian legal diplomacy lies in discerning which legal battlegrounds offer even partial prospects of success—and in leveraging those successes to reshape the broader narrative of international justice.

8. Sanctions and Their Effects on Judicial Cooperation

Unilateral and multilateral sanctions imposed on Iran have affected not only its economy and trade relations but also its judicial and scientific cooperation with the international community. Sanctions function as an invisible yet formidable barrier

to the transnational pursuit of justice, obstructing Iran's capacity to engage with global legal systems. Their impact manifests in several interconnected ways (Ghanea-Hercock, 2010; Joyner, 2016).

First, sanctions have led to the severance or restriction of official communication channels between Iranian judicial institutions and their foreign counterparts. Following the imposition of "maximum pressure" sanctions, many Western states halted routine administrative and legal exchanges with Iran. This breakdown has hampered even the most basic judicial interactions—such as sending official letters, requests for extradition, or mutual legal assistance. For instance, when the Iranian Prosecutor General's Office attempts to transmit a judicial delegation or a request for the examination of witnesses abroad, it may encounter non-responsiveness or indefinite delays. Such reluctance stems from the perception that cooperation with Iran carries political risk or might contravene domestic sanctions regulations. The resulting judicial isolation, compounded by weak legal diplomacy, has rendered Iran's transnational legal actions less effective and less visible {Hakimian, 2019 #296524; Esfandiary, 2020 #296519}.

Second, sanctions generate financial and logistical impediments that complicate the execution of foreign legal proceedings. Transnational enforcement often entails substantial expenses—for example, hiring foreign counsel, dispatching investigative teams abroad, or covering court fees in other jurisdictions. Iran's banking sanctions make international money transfers exceedingly difficult. Even if the Iranian judiciary or Ministry of Foreign Affairs wishes to retain a lawyer abroad, pay litigation fees, or fund an expert mission, it faces insurmountable financial restrictions. Moreover, travel bans and flight limitations inhibit Iranian legal experts and judges from attending judicial consultations abroad. Internet restrictions and the blocking of Iranian IP addresses by some international academic or legal databases further deepen this isolation. As reported in *Humanity Journal* (2024), the denial of access to financial and technical resources, the weakening of specialized institutions, and restrictions on mobility and communication have collectively left Iran "fighting in the international legal arena with one hand tied" {Humanity Journal, 2024 #296532}.

Third, sanctions have fostered a pervasive climate of mistrust among foreign institutions that fear violating sanctions regimes by engaging with Iranian entities. At times, law enforcement agencies such as Interpol or counterterrorism offices in certain countries have refrained from exchanging data with their Iranian counterparts, citing compliance concerns with U.S. sanctions. Even private technology firms that provide forensic or legal tracking tools may refuse to serve Iranian institutions (Gordon, 2013; Katzman, 2020). This technological isolation undermines Iran's access to critical digital evidence. For instance, if the servers of a social media platform contain information about the perpetrators of a crime, the American service provider is unlikely to respond to Iranian judicial requests due to sanctions compliance obligations.

Fourth, sanctions contribute to political suspicion toward Iran's judicial motives. In the dominant media discourse, any Iranian legal initiative against Western officials is portrayed as "politically motivated retaliation." When Iran seeks to prosecute a U.S. or Israeli official, the narrative immediately frames it as part of a geopolitical struggle rather than a genuine quest for justice. This stigmatization influences even professional judges and police officers, reducing their willingness to cooperate (Byers, 2007; Sadat, 2015).

Can the effects of sanctions on judicial cooperation be mitigated?

One possible avenue lies in invoking humanitarian or special exemptions within sanctions regimes. Most sanction frameworks retain limited humanitarian carve-outs. Iran could argue that the prosecution of international crimes constitutes a humanitarian objective since it serves the protection of human dignity and human rights. Through diplomatic negotiations or legal advocacy, Iran could seek recognition that judicial cooperation in serious criminal matters should not fall under sanctions prohibitions. Although the direct acceptance of such an exemption is unlikely, raising the issue could attract attention within human rights circles and shape public opinion (Ghanea-Hercock, 2010; Joyner, 2016).

Another strategy involves leveraging neutral intermediaries, such as international or academic organizations, to facilitate judicial exchanges. Institutions like the *United Nations Office on Drugs and Crime (UNODC)* or the *International Committee of the Red Cross (ICRC)*—which are not subject to sanctions—could serve as channels for transmitting judicial communications or evidence. Likewise, academic collaborations could be expanded: Iran might engage university-based legal clinics or research centers in Europe or North America to conduct independent investigations, document crimes against Iranian nationals, and provide informal legal consultation {Hakimian, 2019 #296524; Esfandiary, 2020 #296519}. These partnerships, while circumventing some restrictions, would also enhance the legitimacy and transparency of Iran's legal efforts.

An instructive example is the 2020–2025 dispute over the “snapback mechanism” (mechanism *masheh*) under the Joint Comprehensive Plan of Action (JCPOA). Although this episode was not judicial per se, Iran’s extensive use of legal reasoning to challenge the United States’ attempt to reimpose UN sanctions—based on the argument that the U.S. had withdrawn from the JCPOA—demonstrated the potential of active legal engagement under constraint. Iran’s consistent invocation of legal norms persuaded many states not to recognize Washington’s claim of legitimacy {IRIS, 2025 #296531; Zarif, 2020 #296563; Davenport, 2021 #296517}. This case illustrates that even amid sanctions, persistent and well-reasoned legal diplomacy can yield tangible success.

Therefore, while sanctions have severely constrained Iran’s judicial cooperation, the appropriate response is not resignation but strategic adaptation. Iran should continue to project its legal narrative globally—through academic publications, international conferences, NGO forums, and media outreach. Each initiative reinforces Iran’s position as a rational actor committed to law, rather than a state constrained by isolation. Over time, as political tensions diminish and partial lifting of sanctions occurs, these efforts can serve as the groundwork for reestablishing judicial engagement. Until then, Iran must remain legally active, assertive, and creative in defending the rights of its citizens despite the restrictive shadow of sanctions (Davenport, 2021; Zarif, 2020).

9. Evidentiary and Confidentiality Barriers (Challenges in Gathering Proof)

The successful enforcement of any judgment depends fundamentally on the availability of credible and admissible evidence. In transnational cases—particularly those involving officials or agents of powerful states—the acquisition of such evidence faces multiple obstacles. Among the most formidable is the veil of secrecy that states impose around sensitive information. Governments routinely invoke state secrets and national security privileges to prevent disclosure of potentially incriminating material. In U.S. jurisprudence, for instance, the *state secrets privilege* has repeatedly been used to block or dismiss lawsuits, including those challenging American drone operations. By claiming that relevant data are classified military secrets, the government can effectively terminate proceedings. Such doctrines can be invoked before any court attempting to adjudicate the conduct of major powers, paralyzing discovery and halting progress (Hafetz, 2011; Kitrosser, 2015; "United States v. Reynolds, 345 U.S. 1," 1953).

In the *Soleimani* case, much of the truth hinges on information unlikely ever to be disclosed to Iran or any neutral body—such as the direct order authorizing the operation, satellite and drone imagery of the strike, internal U.S. memoranda justifying its legality, and the data from military intelligence teams. The United States classifies all these as highly sensitive materials. Even within the U.S., Congress encountered restrictions when seeking the legal rationale for the strike. Consequently, Iran is placed at a severe disadvantage with respect to traditional evidentiary standards. While abundant circumstantial evidence supports the illegality of the strike—statements by Iraqi officials confirming the official nature of Soleimani’s visit, the absence of an imminent threat (a precondition for self-defense), and media reports suggesting impulsive decision-making by the Trump administration—courts typically demand documentary proof. Yet the U.S. government, if ever brought before a tribunal, would likely invoke “state secrets” to withhold crucial evidence, leaving the judiciary unable to conduct a full inquiry (Fisher, 2007; Hafetz, 2011; "United States v. Reynolds, 345 U.S. 1," 1953).

A second obstacle concerns access to the crime scene and key witnesses. The locus of the attack lies beyond Iranian jurisdiction, controlled by foreign forces. In the Soleimani incident, the strike site in Iraq was under U.S. and Iraqi control. Iran had no direct access for investigation (although Iraq provided limited cooperation). Critical physical evidence—wreckage of vehicles, missile fragments, drone debris, and human remains—was either inaccessible or partially lost. Eyewitnesses, including Iraqi officials and airport personnel, may possess valuable testimony but often fear retaliation or face political pressure. Similar constraints appear in other cases; for instance, in the assassinations of Iranian nuclear scientists, several suspects fled abroad and later sought asylum, making their testimony unattainable (Ambos, 2016; Bassiouni, 2008; Callamard, 2020).

The chain of custody presents another difficulty. Even if Iran secures pieces of evidence, foreign courts may question their admissibility unless it can be shown that collection methods were proper and unaltered. Without Iranian investigators’ presence on-site, documentation and preservation become problematic and vulnerable to procedural challenges.

To overcome these evidentiary gaps, Iran can increasingly rely on open-source intelligence (OSINT) and independent investigative research. Modern NGOs, journalists, and forensic research centers now use commercial satellite imagery, flight tracking, field reporting, and digital verification to reconstruct incidents with remarkable precision. In the Soleimani case, independent institutions traced the drone flight path and attack timeline using publicly available imagery and data. Iran can support and amplify such independent forensic documentation, thereby producing evidence that—though not obtained via official cooperation—carries credibility in the eyes of the global public and professional observers. This material could include before-and-after satellite images, eyewitness interviews (such as those with Iraqi officials or companions of Soleimani), and analyses of weapon fragments (Higgins, 2021; Raymond, 2021; Weizman, 2017).

Additionally, Iran might seek recourse to international fact-finding mechanisms. Although the UN Security Council or other formal bodies have refrained from action, Iran can petition the UN Secretary-General or the Human Rights Council to establish an impartial fact-finding commission. Even if vetoed or politically obstructed, the very proposal carries symbolic and legal significance. Precedents exist—such as the *Rafik Hariri assassination tribunal* in Lebanon—where independent panels obtained access to classified materials and produced comprehensive reports. Even if such a mechanism cannot presently be realized, Iran's continued self-documentation through formal submissions (e.g., reports to the UN Secretariat) can serve as a permanent legal and historical record. The report of the UN Special Rapporteur, Agnès Callamard, on the Soleimani case exemplifies this process: by detailing the unlawful nature of the strike, it created an authoritative reference point. Iran should formally register and circulate that report across all relevant international fora to preserve its narrative within the global legal memory (Alamuddin et al., 2011; Callamard, 2020; United, 2005).

Domestically, Iran can enhance its evidentiary capabilities by reforming procedural laws to allow the admission of remote and electronic testimony. Authorizing the use of video conferencing or sworn written affidavits would enable the Iranian judiciary to obtain testimony from foreign witnesses unable to appear in person. For example, an Iraqi official hesitant to travel to Tehran could testify virtually under a legally validated framework. Such innovations—widely adopted during the COVID-19 pandemic—can help bridge the witness gap and strengthen Iran's evidentiary base (Ambos, 2016; Weizman, 2017).

In conclusion, evidentiary obstacles represent both a technical and political challenge. Overcoming them demands creativity, partnership with non-state actors, and full exploitation of modern information technologies. The more comprehensive, verified, and transparent Iran's evidence base becomes, the higher its chances of judicial acceptance in foreign courts—and the harder it becomes for adversaries to deny the truth or dismiss Iran's pursuit of transnational justice.

10. Human Rights Constraints in the State of Enforcement

The final layer of obstacles in transnational enforcement arises from the human rights obligations of the state where an Iranian judgment is to be executed. As previously noted in the discussion on extradition (Section 2), foreign states often refuse cooperation if they believe a defendant's human rights would be violated in the requesting state. However, this problem extends well beyond extradition—it also manifests during the execution and enforcement of the sentence itself (Hood & Hoyle, 2015; Schabas, 2002; "Soering v. United Kingdom (Application no. 14038/88), Judgment of 7 July 1989," 1989).

Consider a situation in which an Iranian court convicts a foreign national of committing a serious crime and sentences them to death—for example, *qisas* (retributive execution) for intentional murder under Iranian law. No European country, bound by absolute commitments against capital punishment, would permit the enforcement of such a judgment on its soil or the extradition of the accused for execution. Even where life imprisonment is imposed, countries such as Norway—which limits custodial sentences to a maximum of 21 years—require sentence reduction or conversion before cooperating. Similarly, punishments such as amputation or flogging, prescribed under Iranian law for certain offenses, are entirely unenforceable abroad because they are deemed clear violations of human dignity and the *jus cogens* prohibition against cruel, inhuman, or degrading treatment.

Although the cases under discussion primarily concern grave international crimes, where corporal punishment is not typically applied, the mere existence of such penalties in Iranian law heightens judicial caution in the foreign forum. Courts in Europe and North America often approach Iranian judgments with skepticism, fearing potential inconsistencies with their fundamental human rights standards (Hood & Hoyle, 2015; Schabas, 2002).

Another frequent objection concerns fair trial guarantees. Some jurisdictions argue that criminal proceedings in Iran may not meet international standards of due process—citing issues such as the absence of jury trials, limited access to independent counsel, or perceived lack of judicial independence. Whether these allegations are justified or politically exaggerated, they affect foreign judges' willingness to recognize or execute Iranian rulings. Consequently, they prefer to handle such cases domestically to ensure what they consider compliance with fair trial norms.

To address these concerns, Iran could issue formal diplomatic or judicial assurances in specific cases. For example, Iran may undertake to commute a death sentence to a long-term prison term if extradition is granted or if the foreign state assists in the enforcement of a judgment. Such "assurances" are common practice in intergovernmental cooperation. In *Abu Hamza v. United States*, for instance, the United Kingdom required formal guarantees that the U.S. would not impose the death penalty before extradition was approved (Hood & Hoyle, 2015; "[Soering v. United Kingdom \(Application no. 14038/88\), Judgment of 7 July 1989](#)," 1989). Implementing this approach in Iran would require coordination among the judiciary, Ministry of Justice, and legislature to allow greater procedural flexibility in exceptional transnational cases.

Another alternative is to pursue prosecution in a third country deemed "rights-compliant" by the international community. Suppose a suspect resides in a Western state that refuses extradition to Iran; in that case, Iran could submit its evidence to the authorities of that state or another neutral jurisdiction, urging them to prosecute the individual under their own laws. Although such proceedings may result in lighter sentences, this route still satisfies the principle of accountability and helps combat impunity. For example, in the case of Mohammad Reza Kolahi (the perpetrator of the 1981 bombing of the Islamic Republican Party headquarters), who obtained asylum in the Netherlands, Iran's repeated extradition requests were denied. Nevertheless, Dutch courts eventually prosecuted and punished him for other offenses committed in their jurisdiction—demonstrating that partial justice through third-country proceedings can sometimes be more feasible than unattainable direct extradition (Ambos, 2016; Langer, 2011; Ryngaert, 2015).

Ultimately, these challenges highlight a deeper clash of legal and moral paradigms between Iran's national system and the human rights frameworks of many other states. To reduce such friction, Iran could strengthen judicial dialogue and human rights consultations with other nations—particularly Islamic and Asian countries that share similar cultural-legal contexts—to build mutual understanding on the treatment of offenders and fugitives.

In the long run, if Iran seeks to play a more active role in the international campaign against impunity—for instance, by acceding to the Rome Statute of the International Criminal Court—it may need to adopt certain global standards. These could include restricting the application of capital punishment to exceptional cases, enhancing due process safeguards, and modernizing procedural laws to align with international expectations.

Such reforms would not only enhance Iran's domestic rule of law but would also strengthen its credibility as a partner in transnational justice. The fewer concerns foreign states have regarding human rights violations in Iran, the more willing they will be to cooperate judicially. In this sense, harmonizing Iran's criminal justice procedures with international human rights norms serves a dual purpose: reinforcing justice at home and facilitating justice abroad.

11. Conclusion

The findings of this study provide a clear response to the central question of why and how the judgments of Iranian courts encounter significant enforcement barriers at the international level, and what strategies can strengthen their implementation mechanisms. The comprehensive analysis revealed that the problem is not purely legal but deeply rooted in the political structure and global balance of power. Whenever the interests of major powers are at stake, legal norms become flexible or are sidelined altogether. The assassination of General Qasem Soleimani served as a clear illustration of these weaknesses—exposing systemic flaws within the international justice framework, including official immunities, treaty deadlocks, sanctions, double standards, and the politicization of international institutions. The case demonstrated that in the absence of political will among powerful states, legal mechanisms alone are insufficient to achieve justice.

Nevertheless, short-term failures should not be interpreted as the futility of legal efforts. In the Soleimani case, Iran's pursuit of legal accountability, although it did not lead to enforcement of punishment, compelled the opposing party to justify its actions through legal reasoning and assume a defensive posture internationally. This outcome itself constitutes a significant achievement—it preserved Iran's narrative within the legal and historical record and created a precedent that may serve as a

valuable reference in the future. Persistent engagement, even when outcomes seem unsuccessful, contributes to an accumulation of legal and political capital that may become actionable when the international context shifts.

Furthermore, the analysis revealed that Iran must advance domestic and international initiatives in parallel to strengthen its legal standing. Domestically, the independent criminalization of all core international crimes, reform of procedural laws in line with international standards, the establishment of specialized tribunals, and consideration of accession to the International Criminal Court would all enhance the legitimacy and credibility of Iran's judiciary in the eyes of the global community. Externally, an active policy of judicial diplomacy, the negotiation of bilateral and regional cooperation agreements, strategic selection of judicial forums, and constructive engagement with civil society and non-governmental organizations could gradually mitigate structural barriers. Iran must also play a more dynamic role within international forums by presenting legal initiatives, highlighting normative gaps, and positioning itself not merely as a defensive actor but as a proactive advocate of justice.

Ultimately, the overarching goal is not merely the enforcement of individual judgments but the elevation of Iran's role as an active participant in global justice. By emphasizing principles of fairness and accountability, while exposing the double standards of global powers, Iran can bolster its international credibility and align itself with other nations in the broader struggle against impunity. The long-term strategy must be founded on persistence, resilience, and faith in the eventual transformation of political conditions. History demonstrates that progress in international law rarely occurs suddenly; rather, it is the cumulative result of years of continuous legal resistance and principled advocacy by independent states and peoples.

In conclusion, although the transnational enforcement of Iranian judicial rulings currently faces formidable—sometimes seemingly insurmountable—barriers, the pursuit of justice retains both intrinsic and instrumental value. Intrinsically, it represents a moral and principled endeavor that affirms Iran's legal narrative; instrumentally, it builds a foundation that may enable real justice when political and legal dynamics evolve. Thus, while cross-border enforcement is difficult and costly today, it remains meaningful and necessary. If coupled with domestic reform, purposeful judicial diplomacy, and international coalition-building, this path can, over time, contribute to shaping a more equitable global legal order. Iran must continue along this course, for justice—though delayed—is ultimately realized through persistent, strategic, and principled effort.

Ethical Considerations

All procedures performed in this study were under the ethical standards.

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Conflict of Interest

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