




The Role of National Courts in Prosecuting International Crimes with an Emphasis on the Assassination of Martyr General Soleimani

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1. Round 1

1.1. Reviewer 1

Reviewer:

In the paragraph beginning “The assassination of Martyr General Qasem Soleimani in January 2020...”, the sentence “This research therefore highlights the necessity of reassessing the capacities of Iran’s national courts...” lacks a clear statement of the research gap. Please explicitly identify what previous scholarship has not addressed regarding national jurisdiction in the Soleimani case.

The final paragraph of the Introduction (ending with “...and offers recommendations for reform and strengthening.”) presents the study’s structure but does not explicitly state the central research question. Consider adding a clear declarative sentence such as “This study seeks to determine whether and how Iranian national courts possess the legal authority and procedural capacity to adjudicate the Soleimani assassination.”

In the section “National Courts versus International Tribunals”, the sentence “National courts constitute the foundational organs...” is accurate, but the subsequent explanation of ICC complementarity relies heavily on Schabas without acknowledging newer literature (post-2017) on positive complementarity. Expanding this paragraph would strengthen theoretical rigor.

Authors revised the manuscript and uploaded the document.

1.2. Reviewer 2

Reviewer:

In the paragraph beginning “Traditional bases of jurisdiction in international criminal law...”, the list of territorial, active personality, passive personality, and protective jurisdiction would benefit from short comparative examples (e.g., Belgium’s 1993 universal jurisdiction law, Germany’s VStGB) to contextualize Iran’s position.

In the paragraph stating “Thus, Iran’s national courts possess a legitimate and internationally recognized basis...”, the claim appears conclusive but lacks explanation of how protective jurisdiction is triggered when the attack occurred on foreign soil. Please expand with statutory reasoning or judicial precedents.

In the paragraph beginning “Given the absence of dedicated domestic legislation on universal jurisdiction...”, the manuscript states: “Assassinations targeting governmental or military figures ... may fall under these categories”. You should clarify which statutory elements of moharebeh or efsad fi al-ard specifically map onto extraterritorial targeted killings.

In the paragraph quoting Article 406 (“service on persons residing outside Iran must be carried out...”), the description is accurate but lacks comparative international benchmarks (e.g., Italy, France, or ECtHR jurisprudence on in absentia trials). Adding such comparison will strengthen claims of procedural legitimacy.

The sentence “A decision founded merely on assumptions or political argumentation is subject to quashing...” is correct, but the paragraph does not specify what evidentiary threshold Iranian courts require in in absentia cases (e.g., “certainty,” “knowledge,” or “scientific evidence”). Please provide doctrinal detail.

In the paragraph beginning “In Iran’s domestic law, the framework for judicial cooperation...”, you refer to mutual legal assistance generally but do not address whether Iran and Iraq have specific MLA treaties, which is crucial for the Soleimani case. Please clarify.

The paragraph citing Interpol (2012) states that Red Notices enable “apprehension of suspects,” which is not technically accurate. Red Notices do not compel arrest; they notify member states. The wording should be revised to reflect this limitation.

Authors revised the manuscript and uploaded the document.

2. Revised

Editor’s decision: Accepted.

Editor in Chief’s decision: Accepted.