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Legitimacy Assessment of the June 2025 Attacks by the United States and Israel Against Iran's Nuclear Facilities in Light of International Law

(Original Research)

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Abstract

In June 2025, the U.S and Israel took extensive military action against Iran which resulted in inflicting severe damage on country's infrastructure. The primary question of the research is, from the standpoint of international law, whether the actions of Israel and United States of America were legitimate, and what legal response does Iran have. The hypothesis of the research is based on the premise that the aforementioned attacks are illegal and constitute multiple violations of international law, neither falling within the framework of legitimate self-defense under Article 51 of the Charter nor within the framework of anticipatory self-defense. According to the Caroline doctrine, Iran was not planning to attack at any level whether at initial stages or other levels therefore the imminence of self-defense would lose its function and there was no practical and immediate threat against Israel. Therefore, Israel's attack in the form of preventive self-defense also lacked legal legitimacy and constituted military aggression. This research was conducted using a descriptive-analytical method and library document review. The findings indicate the attacks constitute a clear violation of Article 56 of Additional Protocol I of the Geneva Conventions 1977, which prohibits attacks on installations containing dangerous materials, Articles 35 and 55 regarding prohibition of environmental destruction, Article 85(3)(c) which considers such attacks as war crimes, violation of the principle of distinction between military and civilian targets by attacking targets such as the Evin Prison and numerous hospitals, Article 8(2)(b)(4) of the Rome Statute, and Article 2 of the UN Charter regarding peaceful settlement of disputes, while Iran was

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engaged in negotiations. The article's findings prove that Iran can file complaints based on violations of established principles of international law if the U.S and Israel accept the compulsory jurisdiction of the ICJ, and can also pursue justice through Declaration under Article 12(3) of the ICC and other legal remedies, as the practice of the ICC shows that its judicial policy regarding issuing arrest warrants for heads of state has undergone significant developments.

Keywords
Article 51 Self-defense; International Court of Justice; International Criminal Court; Preventive Self-defense; Caroline Doctrine; International Humanitarian Law; War Crimes

1. Introduction

The events of June 2025, in which the United States of America and Israel carried out extensive and coordinated attacks against Iran's infrastructure, are not only considered one of the most important security challenges in the region in recent decades, but from the perspective of international law, they have created a fundamental challenge to the established and accepted principles of this academic field. This historical event can be analyzed not only within the framework of regional disputes between Iran and Israel, but also as an example of the confrontation between the logic of power and the rule of law in the international arena. From this perspective, the legal analysis of this incident has gained importance beyond regional borders and has become an issue with global dimensions. If such actions remain without appropriate legal response, it will effectively send the wrong message about the possibility of ignoring international rules by great powers to the international community.

The June 2025 attacks lie at the intersection of several fundamental areas of international law, each requiring independent and precise analysis. First, the principle of prohibition of the use of force, which is established in Article 2(4) of the UN Charter as one of the fundamental principles of the international legal order and has been recognized by the International Court of Justice (hereafter ICJ) as a *jus cogens* norm.[1] Second, the right of legitimate self-defense contained in Article 51 of the Charter, which is provided as the only acceptable exception to the general prohibition on the use of force.[2] Third, the principle of peaceful settlement of disputes guaranteed in paragraphs 3 and 4 of Article 2 of the Charter.

In addition to these macro dimensions, the mentioned attacks raise special issues in the field of international humanitarian law. Particularly regarding

1. Olivier Corten, "The Prohibition of the Use of Force," in *The UN Friendly Relations Declaration at 50: An Assessment of the Fundamental Principles of International Law*, ed. Jorge E. Viñuales (Cambridge: Cambridge University Press, 2020), 52.

2. Russell Buchan, "Non-Forcible Measures and The Law of Self-Defence," *International and Comparative Law Quarterly* 72, 1 (2023): 1.

Article 56 of Additional Protocol I of the Geneva Conventions of 1977, which provides special protection for installations containing dangerous forces.[3] Also, Articles 35 and 55 of the same Protocol regarding the prohibition of environmental destruction[4] and Article 8(2)(b)(4) of the Rome Statute, which considers such attacks a war crime,[5] have special importance in this analysis.

The central question that this research seeks to answer is based on the legitimacy or illegitimacy of the actions carried out by the U.S. and Israel. Can these actions be justified within the framework of established criteria of international law? Is the claim of legitimate self-defense presented by the two attacking countries compatible with the precise conditions contained in Article 51 of the Charter? Have the Caroline doctrine criteria for anticipatory self-defense (preventive self-defense) been met in this case? And finally, if these actions are illegitimate, what legal remedies are available for the Islamic Republic of Iran to pursue the international responsibility of the aggressor States?

The fundamental hypothesis of this research is based on precise analysis of legal texts, international judicial practice, and established principles of international law, and claims that the June 2025 attacks on Iran not only do not meet the conditions and criteria of legitimate self-defense contained in Article 51 of the UN Charter, but are also incompatible with the necessity and proportionality criteria contained in the Caroline doctrine. This incompatibility, along with the explicit violation of the principle of peaceful settlement of disputes in circumstances where Iran was actively participating in diplomatic negotiations, makes these actions classified not as legitimate self-defense, but as "aggression" and "war crime".

This study, relying on descriptive-analytical method and using library sources, international instruments, judicial practice of the ICJ, decisions of the International Criminal Court, and analysis of prominent international law scholars, attempts to provide a comprehensive and scientific picture of the legal dimensions of this event. The ultimate goal of this research is not only to clarify the legal status of the mentioned attacks, but also to provide practical and implementable solutions for pursuing justice and compensation for damages.

2. International Legal Framework Regarding the Use of Force

2-1. Historical Evolution and Legal Background of Prohibition of the Use of Force

A deep understanding of the issue of prohibition of the use of force in contemporary international law requires careful examination of the evolutionary

3. Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) (adopted 8 June 1977, entered into force 7 December 1978) 1125 UNTS 3, art. 56.

4. Ibid., arts. 35 and 55.

5. Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002) 2187 UNTS 90.

path of this fundamental principle. The era of the League of Nations is considered the starting point of a very fundamental transformation in the concept of non-use of force and prohibition of war. In the thinking of the League of Nations Covenant designers, this document was primarily conceived as an international peace document whose central theme was the abolition of war initiation.[6] However, implementing such revolutionary thinking in practice faced serious obstacles, and ultimately, only the illegality of war in certain specific cases, such as those provided for in Articles 10, 12, 13, and 15 of the Covenant, could be realized.

This limitation in the League of Nations Covenant approach meant that this document accepted the issue of prohibition or condemnation of war only partially and in specific cases. However, even this limited approach was considered an important step toward the future evolution of international law, as for the first time the concept of prohibition of war was raised in an international instrument.

A longer and more effective step in this path was taken with the adoption of the Briand-Kellogg Pact or the Paris Treaty. This pact, designed as a general instrument for the prohibition or condemnation of war and independent and separate from the League of Nations Covenant, had a distinctive and revolutionary characteristic. The prohibition established in this pact, unlike the relative nature and case-by-case prohibition contained in the League of Nations Covenant, was considered an absolute and comprehensive prohibition.[7] The Briand-Kellogg Pact was adopted in 1928 and with the accession of 63 countries including Iran, experienced the most extensive international acceptance up to that time. This level of acceptance, which until then the number of parties to a treaty had rarely reached such a level, demonstrated the depth of the international community's need for such an instrument. The Briand-Kellogg Pact has remained valid and effective to this day and has provided an important legal foundation for subsequent developments in international law. Although this pact did not contain any strong enforcement mechanisms, it is considered a cornerstone for the formation of customary international law norms regarding the prohibition of the use of force.

With all this history in mind, and remembering the painful experiences of two major global wars, contemporary international law has in a general sense abolished its reliance on force, and thus madeuse of force illegal except in very limited and tightly prescribed instances. This essential factual content, which describes the meaning of the prohibition on the use of force, is enshrined in Article 2(4) of the UN Charter, which states: "All Members shall refrain in their international relations from the threat or use of force

6. Corten, "The Prohibition of the Use of Force", 54.

7. Yitzhak Benbaji and Daniel Statman, "Introduction: The Moral Standing of the War Agreement," in *War by Agreement: A Contractarian Ethics of War* (Oxford: Oxford Academic, 2019), 1.

against the territorial integrity or political independence of any state."[8] This article, has not only formed the legal basis of the new international order, but the prohibition of aggression has also been identified as a *jus cogens* norm of international law by the ICJ, particularly in the Nicaragua case where the Court recognized the prohibition of the use of force as part of customary international law.[9]

2-2. Analysis of the Concept of Aggression and Judicial Practice

The principle of prohibition of the use of force, codified in Article 2(4) of the UN Charter, has been widely confirmed and strengthened in international instruments, judicial practice of international courts, and legal literature. The ICJ in the historic case of Nicaragua v. United States (1986) emphasized that any use of force in international relations, except in the form of legitimate self-defense, is illegal and any military action against the territory of another state that lacks UN Security Council authorization constitutes aggression.[10]

This approach of the Court has been emphasized not only in the Nicaragua case but also in other important decisions. In the case of Iran's Oil Platforms, the Court emphasized the necessity of having an actual and imminent armed attack to resort to legitimate self-defense and provided precise criteria for recognizing such conditions. These criteria included: the existence of an actual armed attack that falls within the meaning of Article 51 of the UN Charter, definitive attribution of the attack to the claiming State (the burden of proof rests on the defending country which invokes self-defense), necessity of defensive actions to protect essential security interests, proportionality of defensive actions to the incoming attack, and legitimacy of the military target under attack. The Court emphasized that these criteria are "an established rule in customary international law" and that the assessment of "necessity" of action is "not merely a matter for subjective judgment by the party" but can be evaluated by the Court, and ultimately concluded that the United States had not succeeded in proving any of these criteria and the attacks lacked legal legitimacy.[11] This judicial practice shows that the Court has recognized the prohibition of the use of force as customary international law and part of *jus cogens* norms.

On the other hand, the Security Council has also emphasized in numerous resolutions, particularly resolutions 667, 670, and 674 in the Persian Gulf crisis, the illegality of aggression and the necessity of respecting territorial integrity, showing the international community's firm opposition to acts of

8. Charter of the United Nations (adopted 26 June 1945, entered into force 24 October 1945) 1 UNTS XVI, art. 2(4).

9. *Military and Paramilitary Activities in and against Nicaragua* (*Nicaragua v. United States of America*), *Merits*, *Judgment*, paras. 188, 190, 193.

10. *Ibid.*

11. *Oil Platforms* (*Islamic Republic of Iran v. United States of America*), *Judgment*, paras. 43, 51, 57, 74, 76, 78.

aggression.[12]

2-3. Article 51 and the Right of Self-Defense: Legal Framework and Conditions

The UN Charter is clear in its careful and balanced approach to the use of force and has provided only two clear and limited exceptions to the overall principle against the use of force, to apply under specific conditions and controls.

The right to self-defense, under Article 51 of the Charter, is the first exception and provides for both an individual and collective right to defend oneself against an armed attack. Invoking such right must be promptly reported and communicated to the Security Council when an armed attack takes place against a State. The occurrence of an armed attack is an essential prerequisite for exercising this right and, accordingly, cannot be interpreted broadly or unilaterally.[13]

The use of the word "inherent" in this article has special importance as it shows that this right existed in customary international law before the Charter and the Charter has not abolished it, however, through codifying the principle only established conditions and limitations for its exercise.[14] Also, the condition of "occurrence of armed attack" as a prerequisite for exercising this right has high importance and prevents broad and arbitrary interpretation of this concept.[15]

The other exception to the prohibition of the use of force lies on the authority of the Security Council, by virtue of Articles 39 and 42 of the UN Charter. The Security Council possesses, in Article 39 of the Charter, all of the provisions of the collective security system mechanism which states that, “The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security”.[16]

The existence of these two exceptions in the Charter shows that both the functioning of the collective security system and the exercise of the right of legitimate self-defense by States are subject to precise conditions, rules and procedures. In both cases, the role and decision of the Security Council have central importance. Only the individual right of legitimate self-defense of a State is somewhat exempt from this dependence, but even in that case,

12. UN Security Council Resolution 667 (16 September 1990) UN Doc S/RES/667; UN Security Council Resolution 670 (25 September 1990) UN Doc S/RES/670; UN Security Council Resolution 674 (29 October 1990) UN Doc S/RES/674.

13. Charter of the United Nations, Art. 51.

14. Buchan, "Non-Forcible Measures and The Law of Self-Defence," 6.

15. Ibid., 26-27.

16. Charter of the United Nations, Arts. 39, 42.

defensive actions must be immediately reported to the Security Council and continue until the Security Council takes necessary measures.

Although such a procedure leads to ambiguities in interpretations of the most important right related to the use of armed forces, this ambiguity arises from the necessity of maintaining balance between the natural right of states to defend themselves and the need to control and supervise the use of force in the international arena.

2-4. Different Interpretations of Legitimate Self-Defense and the Caroline Doctrine

In addition to the two main exceptions explained above, in legal literature there are two different approaches to interpreting exceptions to the prohibition of the use of force, which determine how legitimate self-defense is understood in the modern era.

First Regime (Evolutionary): Followers of this approach believe that the UN Charter completely changed the old laws regarding the use of force and replaced them. Simply put, proponents of this view say that after 1945 when the Charter was adopted, new laws replaced the old laws. Legal scholar Alexandrov explains that the main purpose of the San Francisco Conference was to bring the use of force by countries under UN control as much as possible.[17] Prominent legal scholars such as Brownlie, Dinstein, Bedjaoui, and O'Connell support this view.[18]

Second Regime (Continuity): This view, on the contrary, believes that the UN Charter did not change the old laws and both sets of laws are active together. Legal scholar Derek W. Bowett says that the Charter did not intend to change the old right of legitimate self-defense, but only wanted to provide more support to countries in exercising this right.[19] Therefore, both Charter and its regulations and laws and old customary laws are applied simultaneously.

Albrecht Randelzhofer, as one of the most authoritative legal scholars in this field, believes that the first regime has received more recognition and acceptance at the international level, as it is based on one of the most important goals of the Charter, namely limiting the use of armed force in the world as much as possible.[20]

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17. Stanimir Alexandrov, *Self-Defense Against the Use of Force in International Law* (The Hague: Kluwer Law International, 1996), 94.

18. Ian Brownlie, *International Law and the Use of Force by States* (Oxford: Oxford University Press, 1963), 274; Yoram Dinstein, *War, Aggression and Self-Defence*, 3rd ed. (Cambridge: Cambridge University Press, 2001), 165; Mohammad Bedjaoui, "L'humanité en quête de paix et de développement. Cours général," *Recueil des Cours de l'Académie de Droit International* 325 (2006): 9-329; Mary Ellen O'Connell, "The Myth of Preemptive Self-Defense," *The American Society of International Law Task Force Papers* (Washington: ASIL, 2002), 13.

19. Derek W. Bowett, *Self-Defence in International Law* (Manchester: Manchester University Press, 1958), 187-188.

20. Albrecht Randelzhofer, "Article 51," in *The Charter of the United Nations: A Commentary*, 2nd ed., vol. 2 (Oxford: Oxford University Press, 2002), 792.

2-5. The Caroline Doctrine and Criteria for Anticipatory Self-Defense

In interpreting the customary law of anticipatory self-defense (anticipatory self-defense), the Caroline case (1837)[21] is considered a turning point that led to the formulation of a coherent doctrine of the right of legitimate self-defense. This doctrine established two basic conditions for the legitimacy of the use of armed forces. First, the *Necessity* of using armed forces and second, its *Proportionality* to the threat that the defending state is facing. These criteria are still cited today as the touchstone for evaluating the legitimacy of defensive actions.

As mentioned earlier in the analysis of the two legal regimes, the ICJ took a decisive position in the Nicaragua case that directly impacted the interpretation of the Caroline doctrine. The Court, by emphasizing the position of customary law in both the prohibition of the use of force and the right of legitimate self-defense, effectively created a bridge between the classic Caroline law and the modern Charter system. The use of the word *Inherent* in Article 51 of the Charter, which the Court emphasized, actually confirms the continuity of Caroline principles in the modern era.

2-6. Four Basic Interpretations of Legitimate Self-Defense

Based on a comprehensive analysis of legal theories, four main interpretations of legitimate self-defense existing in Article 51 of the UN Charter can be identified:

First Interpretation (Limited): The use of armed force for legitimate self-defense only has legitimacy after the occurrence of an armed attack that has produced a specific result. This interpretation provides the most restrictive approach.[22]

Second Interpretation (Limited but more flexible): The use of armed force is legitimate when the armed attack can no longer be stopped, such as launching a missile that has not yet reached its target.[23]

Third Interpretation (Broad - anticipatory self-defense): The use of armed force in case of imminent and real danger of attack is legitimate, meaning the time and place of attack are specified but the attack has not yet begun. This interpretation is based on the Caroline doctrine criteria.[24]

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21. The Caroline case (1837) occurred in the context of Canadian rebels' uprising against British colonial rule. After the defeat of the rebels, their leader William Lyon Mackenzie and his followers took refuge on "Navy Island" in the Niagara River and declared it the "Republic of Canada." The American steamship "Caroline" was used by sympathetic Americans to transport supplies and personnel to this island. On the night of December 29, 1837, British military forces under the command of Colonel Allan MacNab and Captain Andrew Drew crossed the Canada-US border and set fire to the steamship Caroline, which was docked at Schlosser port in New York. In this attack, an American named Amos Durfee was killed. Subsequent correspondence between Daniel Webster (US Secretary of State) and Lord Ashburton (British representative) led to the formulation of precise criteria for anticipatory self-defense, which is called the Caroline formula.

22. Chris O'Meara, "Reconceptualising the Right of Self-Defence against 'Imminent' Armed Attacks," *Journal on the Use of Force and International Law* 9, 2 (2022): 287-288.

23. Alexandrov, *Self-Defense Against the Use of Force in International Law*, 164.

24. O'Meara, *Reconceptualising the Right of Self-Defence against 'Imminent' Armed Attacks*, 286.

Fourth Interpretation (Very broad – preventive self-defense): The use of armed force in case of hypothetical or possible danger of attack is considered legitimate, even without precise information about the time and place of attack. This interpretation is the basis of the Bush doctrine.[25]

2-7. Comparative Analysis: Iran, Israel, and U.S. Positions

The United States and Israel have invoked the claim of preventive self-defense in their attacks against Iran. According to this view, given that threats arising from the proliferation of weapons of mass destruction are covert, gradual, and potentially catastrophic in nature, waiting for an 'actual armed attack' to materialize is inconsistent with the logic of contemporary international security. This argument was systematically articulated particularly following the publication of the 'National Security Strategy of the United States' in 2002,[26] in which President Bush introduced the Bush Doctrine of preventive defense, and specifically targeted Iran in the 2006 National Security Strategy. According to this doctrine, it is presumed that the possibility of Iran acquiring nuclear weapons constitutes an existential threat to Israel and a serious threat to international peace and security, even if an attack in its classical sense has not yet occurred.[27]

An analysis of customary international law and the case law of the ICJ shows that such an interpretation of self-defense has no acceptable legal basis. The Court has explicitly stated in several rulings, including the Nicaragua case and the Oil Platforms case, that the ability to exercise self-defense is dependent upon the existence of an armed attack or at the very least, a threat that is currently and operationally imminent, unavoidable, and not subject to any alternative. To interpret the term 'imminent' to include a hypothetical or long-term threat, as opposed to the narrowly defined standards of the Caroline Doctrine, would violate the principle of prohibiting the use of force as set out in Article 2(4) of the United Nations Charter.[28]

The overwhelming majority of distinguished legal scholars also emphasize that accepting anticipatory self-defense amounts to legitimizing wars of choice and conflicts with the primary objective of the UN Charter, namely the maximum restriction of unilateral use of force. From this perspective, the arguments advanced by the United States and Israel reflect policy-driven security considerations rather than being grounded in international law.

A comparison of the four aforementioned interpretations reveals that the

25. *Ibid.,* 284.

26. The White House, The National Security Strategy of the United States of America (Washington, DC: The White House, September 2002), accessed December 28, 2025, https://2009-2017.state.gov/documents/organization/63562.pdf.

27. The White House, The National Security Strategy of the United States of America (Washington, DC: The White House, March 2006), 19-20, accessed December 28, 2025, https://history.defense.gov/Portals/70/Documents/nss/nss2006.pdf.

28. See notes 9 and 11.

Israeli and American interpretation in the attack on Iran—which is based on the Bush Doctrine—occupies the most extreme position among other interpretations and is entirely illegal and illegitimate. Conversely, Iran's defensive actions in response to Israeli aggression conform to the first interpretation and are fully lawful.

Deeper analysis shows that the tension between the two legal regimes stems from divergent interpretations of these very criteria of necessity and proportionality. While proponents of the first regime maintain that these criteria must be interpreted entirely within the framework of the Charter, proponents of the second regime argue that prior customary law, including the Caroline doctrine, remains applicable."[29]

2-8. Scientific Criticism of Broad Interpretations

Authoritative legal scholars have made serious criticisms of broad interpretations. Ian Brownlie, the distinguished British international law scholar, has warned that some broad interpretations of the right of legitimate self-defense are dangerous because they allow countries to take military action merely based on feeling threatened and without the existence of an actual attack.[30] He emphasizes that despite efforts to expand the boundaries of legitimate self-defense, the vast majority of States still believe that this right can only be used against actual and realized attacks, not against hypothetical or imaginary threats.[31]

Randelzhofer also argues that despite some violations in practice, the limited interpretation of the legitimate right of self-defense corresponds to the general behavior of States in the international community.[32] The strongest argument of supporters of this approach is the UN Charter itself. They believe the fundamental purpose of the Charter was to place the use of armed force by States under UN control as much as possible.[33] Therefore, considering this fundamental goal, the right of legitimate self-defense contained in the Charter should be interpreted as a very limited and controlled exception to the general prohibition of the use of force that can only be applied "if and when an armed attack occurs."

Through precise interpretation of UN Charter provisions based on their general meaning, context, and purpose, supporters of the limited interpretation conclude that the use of armed force cannot occur legitimately before the occurrence of an actual armed attack or at most before the completion of an

29. Anthony Clark Arend, "International Law and the Preemptive Use of Military Force," *The Washington Quarterly* 26, 2 (2003): 92-93.

30. Brownlie, *International Law and the Use of Force by States*, 275-278.

31. *Ibid*.

32. Randelzhofer, *Article 51*, 804.

33. Helen Eenmaa, "The Concept of Anticipatory Self-Defense in International Law After the Bush Doctrine," *Acta Societatis Martensis* 1 (2005): 54.

ongoing attack. This interpretation has been supported by prominent legal scholars such as Brownlie, Randelzhofer, Dinstein, O'Connell, Bedjaoui, and Nico Kirsch.[34]

3. The Bush Doctrine and Preventive Self-Defense: Deviation from Fundamental Principles of International Law

The Bush Doctrine, formulated in 2002 in the United States' "National Security Strategy," claims that countries have the right to use armed force even before the emergence of an imminent and real threat.[35] This doctrine, as mentioned in the analysis of four interpretations of self-defense, is in the most extreme position (fourth interpretation – preventive self-defense) and is in clear conflict with both limited and broad conventional approaches.

According to this doctrine, it is not necessary for the time and place of attack to be specified, and the mere possibility of a threat occurring in the future is sufficient. President Bush justified this approach by referring to threats of terrorism and weapons of mass destruction regarding the attack on Iraq.

The Bush Doctrine, which Netanyahu and Trump also refer to in attacking Iran, is in complete contradiction with the established practice of the ICJ. As mentioned earlier, the Court has stipulated that the exercise of the right of legitimate self-defense is conditional on being a victim of an actual armed attack.

This doctrine also ignores the Caroline doctrine criteria that were previously explained. While Caroline emphasizes "immediate, overwhelming necessity and leaving no choice," the Bush Doctrine allows military action even in the absence of such conditions.

The Bush Doctrine sometimes refers to States' "right to survival",[36] just as Netanyahu considers the attack on Iran necessary for Israel's survival. However, this argument conflicts with judicial precedents. As in the Mignonette case (1884), the English High Court in the case of Regina v. Dudley and Stephens clarified that the desire for survival does not justify killing innocent people and necessity cannot be a valid defense for the crime of intentional murder, even in survival conditions at sea, because although saving one's own life is usually rational and necessary, sometimes self-sacrifice for others is the highest virtue and moral duty.[37] Therefore, accepting the right to

34. Randelzhofer, *Article 51*, 803; Brownlie, *International Law and the Use of Force by States*, 275-278; Yoram Dinstein, *War, Aggression and Self-Defence*, 3rd ed. (Cambridge: Cambridge University Press, 2001), 172; O'Connell, *The Myth of Preemptive Self-Defense*, 30; Bedjaoui, "L'humanité en quête de paix et de développement," 9-329; Nico Kirsch, *Selbsverteidigung und kollektive Sicherheit: Beiträge zum ausländischen öffentlichen Recht und Völkerrecht* (Heidelberg: Max-Planck-Gesellschaft zur Förderung der Wissenschaften e.V., 2001), 410.

35. Georg Löfmann, "The Bush Doctrine redux: changes and continuities in American Grand Strategy since '9/11'," *International Politics* 61 (2024): 501.

36. Eenmaa, *The Concept of Anticipatory Self-Defense in International Law After the Bush Doctrine*, 59.

37. *Regina v. Dudley and Stephens*, Queen's Bench Division, [1884] 14 QBD 273.

survival as justification for the use of force effectively makes the prohibition of the use of armed force meaningless and is in clear contradiction with the most fundamental norms of contemporary international law.

The Bush Doctrine, by going beyond the limits of necessity and proportionality conditions of the right of legitimate self-defense, places itself outside the acceptable framework of international law and provides a highly susceptible atmosphere for abuse by great powers against weaker States.

In the Lotus case (1927), the ICJ stated that international law is based on the consensus of countries and unilateral action cannot be the basis for new law.[38] Just as America's attack on Iraq (2003) did not gain international acceptance, the Bush Doctrine also lacks support from the international community.

The Court in the Nicaragua case noted that changing customary law is conditional on sharing views by other States.[39] Currently, the majority of countries have distanced themselves from the Bush Doctrine. Given the absence of new law formation, the right of legitimate self-defense can only be applied within the boundaries of the first three interpretations previously explained. As a result, the Bush Doctrine is illegitimate and inconsistent with rules and principles of international law because it rejects the view of the ICJ and disregards the fundamental goal of the Charter (the limitation of the use of force). Thus, Trump's and Netanyahu's attacks against Iran, citing the Bush Doctrine, are a clear instance of illegal use of force and military aggression.

4. Application of Caroline Criteria to the June 2025 Attacks

Israel and America attacked Iran when the Islamic Republic of Iran was actively negotiating with the United States and other world powers to resolve issues related to its nuclear programme. This fundamental fact shows that the attack on Iran lacked alternatives - as negotiations were ongoing, which negotiations are always considered the best option and alternative - and the attack on Iran was neither urgent nor would cause the loss of defense opportunities. Consequently, the existence of active diplomatic channels and the possibility of reaching an agreement through negotiation completely sidesteps the criterion of "no alternative," and it is clear and evident that the absence of an immediate and specific threat from Iran did not meet the "urgency" criterion as well.

Based on paragraphs 3 and 4 of Article 2 of the UN Charter, parties are obligated to peacefully settle their disputes, and military attack in these circumstances lacks any legal legitimacy.[40] This fundamental obligation not

38. PCIJ*, Case of the S.S. Lotus* (*France v. Turkey*), *Series A*, *No. 10.*

39. *Military and Paramilitary Activities in and against Nicaragua*, para. 207.

40. Faramarz Yadegarian, "The International Court of Justice and its role in the legal relations between Iran and the United States," *Iranian Review of Foreign Affairs* 13, 35 (2021): 96.

only includes the prohibition of the use of force but also encompasses the positive obligation to make serious efforts to find diplomatic solutions. The existence of ongoing negotiations and the strong possibility of reaching an agreement makes the use of force not only unnecessary but also contrary to the basic obligations of the UN Charter. Therefore, the attacks by America and Israel are in explicit and undeniable violation of this article and cannot be justified with any legal reasoning.

According to Article 51 of the UN Charter, legitimate self-defense requires the occurrence of an actual or at least imminent and unavoidable armed attack. With careful examination of the Caroline doctrine and authoritative international documents, the mentioned attacks lacked both conditions. There was neither an imminent attack by Iran nor an immediate and specific threat against Israel or America. The attacks by Israel and America were actually carried out within the framework of pre-emptive self-defense (preventive self-defense), not anticipatory self-defense. Preventive self-defense means military action against a threat that has not yet formed or is not certain, which not only does not fall within the framework of Article 51 of the Charter but also does not fall within the framework of anticipatory self-defense - whose legitimacy is still not consensus.

Thus, as demonstrated, Preventive self-defense is totally illegal and a clear example of aggression. The distinction becomes very crystal here as it helps to illustrate that the June 2025 attacks are not justifiable, even under the most liberal definitions of legitimate self-defense.

5. Analysis of the Legitimacy of the June 2025 Attacks

The occurrence of United States and Israeli attacks against Iran's nuclear facilities in June 2025, including serious damage to civilian infrastructure and vital centers such as hospitals like Farabi Hospital in Kermanshah, Evin Prison, and the national broadcasting corporation (IRIB), has been widely reported by international news sources and United Nations affiliated bodies.[41] These attacks, which according to reports have resulted in extensive damage to civilian infrastructure surrounding the facilities, have raised serious concerns regarding compliance with the principles of international humanitarian law.[42] These facts provide the basis for legal assessment of the aforementioned actions from the perspective of the principles of distinction and proportionality.

These actions clearly violate the principle of distinction and the differentiation between military attacks on targets and civilian attacks. Distinction between military and civilian attacks is a core and key tenet of international humanitarian

41. "Iran: UN Fact-Finding Mission, Special Rapporteur Call for Civilian Protection and Respect for Human Rights as Israeli Attacks Cause Extensive Suffering" (23 June 2025), Office of the High Commissioner for Human Rights (OHCHR), accessed December 28, 2025, https://www.ohchr.org/en/press-releases/2025/06/iran-un-fact-finding-mission-special-rapporteur-call-civilian-protection-and.

42. Ibid.

law with the goal of minimizing excess civilian slaughter and destruction of civilian property. Deliberate attack on places that are explicitly civilian, without direct and specific military necessity, constitutes a clear violation of the principle of proportionality and military necessity and consequently is a war crime.[43]

Consequently, the attacks carried out with deliberate damage to civilian facilities, including hospitals and Evin Prison, contradict the fundamental principle of distinction between military and civilian targets (principle of distinction) and fall within the definition of war crime according to Article 8(2)(b)(4) of the Rome Statute.

The legitimacy of attacking nuclear facilities must be assessed under the nuclear non-proliferation regime, in addition to the provisions of international humanitarian law. The Nuclear Non-Proliferation Treaty (NPT) and the IAEA safeguards system provide for resolving disputes over the nature of a NPT member state's nuclear program through technical, monitoring and institutional mechanisms. From this perspective, when a NPT member state has concerns regarding the nature of a member state's nuclear program, these concerns should be addressed through the IAEA and through the institutional mechanisms designated by the NPT and not through unilateral military action.[44] Numerous commentators have indicated that, on the basis of state practice and institutional responses, attacks against nuclear facilities subject to IAEA safeguards have been widely condemned as inconsistent with the rules and norms of the non-proliferation regime and as undermining the authority of the Agency and its safeguards system.[45]

According to the present study, installations containing dangerous forces such as dams, dikes, and nuclear power plants are under special protection and cannot be attacked, even if they are considered military objectives, if such an attack might cause the release of dangerous forces and subsequently severe damage among the civilian population attacking these sites is in violation of relevant international rules. Also, Articles 35 and 55 of the Protocol, while prohibiting unnecessary damage to the environment and vital infrastructure, stipulate that military actions must be consistent with the principles of necessity and proportionality.[46] These principles have been violated in the June 2025 attacks.

43. Rome Statute of the International Criminal Court, Art. 8(2)(b)(4).

44. Treaty on the Non-Proliferation of Nuclear Weapons (adopted 1 July 1968, entered into force 5 March 1970) 729 UNTS 161 (NPT), Art 3.

45. Ludovica Castelli and Olamide Samuel, "Justifying Attacks on Nuclear Facilities," *The Nonproliferation Review* 30, 1–3 (2023): 88-91.

46. Ibid., arts. 35 and 55.

6. International Responsibility and Legal Consequences of Attacks and Iran's Remedies

Based on the established rules of international responsibility of states, formulated by the International Law Commission in 2001, any act contrary to international law that results in material or moral damage entails complete international responsibility.[47] This responsibility requires two basic elements: first, the attributability of the act to the state, and second, the violation of international obligations of that state.

The June 2025 attacks, as an explicit and undeniable violation of Article 2(4) of the UN Charter and the Additional Protocols of the Geneva Conventions, including deliberate destruction of civilian facilities and threatening the lives of innocent people, create a heavy and inescapable legal burden on America and Israel. These actions are not only legally condemned but also entail the obligation to fully compensate for damages and adopt measures of non-repetition.

The element of attribution is established in this case without any ambiguity, as the attacks were officially and publicly carried out by the armed forces of both States and their official authorities both have accepted responsibility for them and even defended their conduct. Also, the element of violation of international obligations is completely established, as these actions constitute direct and explicit violation of several international treaties and norms.

6-1. International Court of Justice

According to the established practice of the ICJ, even in case of a claim of legitimate self-defense by the aggressor country, if the precise criteria of necessity and proportionality have not been met, the actions of the attacking state are considered and condemned as aggression or illegal use of force.[48]

The Court in the historic case of Nicaragua v. United States emphasized that "the United States is under an obligation to cease and to refrain from all acts constituting breaches of its legal obligations".[49] The Court also declared that America must "make reparation for all injury caused to Nicaragua by breaches of obligations under customary international law and under the 1956 Treaty".[50]

This judicial practice shows that the Court has a serious and strict approach toward violations of rules related to the use of force and is prepared to declare the complete responsibility of aggressor States, as we referred to these strict criteria in the Oil Platforms case as well.

Unfortunately, due to the termination of the Treaty of Amity, Economic Relations, and Consular Rights of 1955 between Iran and the United States in

47. Faramarz Yadegarian and Mahdi Firoozabadian, "Iran's Response to U.S. Non-Compliance with International Court of Justice Decisions," *Journal of World Sociopolitical Studies* 7, 3 (2023): 523.

48. *Military and Paramilitary Activities in and against Nicaragua*, paras. 194, 237.

49. *Ibid*., para. 292(12).

50. *Ibid*., para. 292(13), (14).

2018, there is currently no jurisdictional basis for filing an application against the U.S. in the Court, and unlike Iran, neither Israel nor the U.S. has issued a declaration accepting compulsory jurisdiction.[51] If the United States and Israel accept the compulsory jurisdiction of the ICJ, Iran can file a comprehensive and detailed complaint with strong and reasoned reference to extensive violations of the UN Charter and Additional Protocols of the Geneva Conventions. The experience of the Nicaragua case shows that the Court has complete readiness to examine complex and sensitive cases of the use of force.

In such circumstances, the Court can issue a wide range of compensatory and guarantee measures as a binding judgment. These measures will include compensation for material damages to facilities, moral damages resulting from violation of sovereignty, and costs of reconstructing damaged infrastructure. Also, the Court, as it issued a provisional order in October 2018 regarding the violation of the 1955 Treaty of Amity case,[52] can issue a definitive order to stop any military or threatening action against Iran. On the other hand, it can oblige America to provide legal and practical guarantees of non-repetition of such actions in the future. It is also necessary to mention that despite the Court's provisional order in the 1955 Treaty of Amity case where the Court explicitly requested the parties to refrain from actions that would escalate tensions,[53] the United States with its behavior has not only continued its deviant behavior regarding the unilateral sanctions disputed in that case and has increased their scope, but has also acted contrary to obligations arising from the Charter, namely peaceful settlement of disputes. Therefore, given Iran's high possibility of victory in this case,[54] it is recommended that Iran seriously pursue this case in the Court[55] and document all violations committed by the United States regarding the provisional order from 2018 to the present.

6-2. International Criminal Court

According to Article 12(3) of the Rome Statute, any State can declare the jurisdiction of the International Criminal Court in cases of war crimes or crimes against humanity, even if it is not itself a member of the Rome Statute. This mechanism provides a great opportunity for pursuing criminal justice.

51. Iran accepted the compulsory jurisdiction of the Court on July 26, 2023, through a declaration accepting the Court's jurisdiction against countries that have issued such declarations.

52. Mahdi Firoozabadian and Faramarz Yadegarian, "The (Il)legality of U.S. Sanctions on Iran Post-JCPOA Withdrawal, Focusing on the ICJ's Provisional Measures Order," *Journal of World Sociopolitical Studies* 8, 2 (2024): 262.

53. Faramarz Yadegarian, Mohsen Mohebi and Amir Hossein Molkizadeh, "Substantive Jurisdiction of International Court of Justice in the Case of Violation of Treaty of Amity, Economic Relations, and Consular Rights (1955)," *International Studies Journal* 21, 1 (2024): 39.

54. Ibid., 47.

55. Faramarz Yadegarian, "Iran's Countermeasures to US Withdrawal from JCPOA and the Trigger Mechanism," *Iranian Review for UN Studies* 2, 2 (2019): 103.

The attacks carried out with deliberate damage to civilians and intentional destruction of civilian facilities, as we previously examined, are clear examples of war crimes according to Article 8(2)(b)(4) of the Rome Statute. The recent practice of the International Criminal Court shows a significant evolution. This Court has shown in recent years that even heads of state, in case of committing war crimes or crimes against humanity, may be prosecuted[56] and arrest warrants may be issued against them. This important development in the Court's judicial policy provides new and encouraging possibilities for pursuing justice and shows that the immunity of high-ranking officials is no longer absolute.[57]

Therefore, one of the best legal strategies for Iran is definitely to consider joining the Rome Statute with reference to paragraph three of Article 12 of the International Criminal Court Statute by issuing a declaration that accepts the Criminal Court's jurisdiction to cover crimes committed from June 23, 2025 onwards. Although neither the United States nor Israel are members of the Rome Statute, the experience of Palestine showed that accepting jurisdiction by a country where crimes were committed is sufficient to begin investigation and even issue arrest warrants.[58]

6-3. Other Actions and Strategies

In addition to judicial paths, coherent and targeted diplomatic actions can create effective international pressure and prepare the ground for success in judicial arenas. Such actions include the following:

UN General Assembly: Using the capacity of the UN General Assembly to adopt resolutions condemning aggressive actions and emphasizing the necessity of respecting international law. The experience of a similar resolution in the Nicaragua case shows that even non-binding resolutions can create considerable political pressure.[59]

Human Rights Council: Establishing new and strengthening internal mechanisms to accurately and scientifically record documentation of attacks, damages, and evidence of violations of international law, then close cooperation with the Human Rights Council and UN specialized committees to accurately document human rights violations, environmental destruction, and damages to civilians. This documentation can provide a strong basis for future judicial actions.

56. Leaders of Israel, Hamas, and Russia are among such cases.

57. Faramarz Yadegarian and Mohamad Razavi, "Breaking the Cycle of Impunity: A Call for ICC Investigation into War Crimes and Genocide in the Israel-Hamas Conflict Post-October 7, 2023," *Iranian Review for UN Studies* 6,1 (2025): 1.

58. Faramarz Yadegarian and Mohammad Razavi, "The evolution of the international criminal court's judicial policy on issuing arrest warrants: from Uganda to Palestine," *Journal on the Use of Force and International Law* 12, 1-2 (2025): 255.

59. Yadegarian et al., *Iran's Response to U.S. Non-Compliance with International Court of Justice Decisions*„520.

Multilateral Diplomacy: Developing active diplomacy with non-aligned countries, regional blocs, and various international organizations to gain political and legal support. This diplomacy should include providing detailed and convincing legal documentation that proves violations of international law.

Smart use of preventive diplomacy to prevent future attacks through negotiations, regional agreements, and creating tension reduction mechanisms. This approach shows that Iran always gives preference to peaceful solutions, such as what the Defense Council chairmanship in Iraq and Lebanon seeks to achieve.

In addition to the above strategies, the following specialized and innovative strategy can prevent hostile military actions in the future:

Use of Individual Complaint Mechanism: Where possible, use individual complaint mechanisms in human rights institutions for direct victims of attacks. This remedy can create additional pressure and highlight the human dimensions of the issue. Also, some countries ignore state immunity in violations related to human rights and issue judicial rulings against these countries and order compensation.[60] Iran can help individual plaintiffs register their complaints in States and human rights institutions by providing legal support.

Cooperation with Non-Governmental Organizations: Creating a broad coalition with international non-governmental organizations active in human rights, international humanitarian law, and protection of civilians. This coalition can launch extensive public opinion campaigns. Engaging global public opinion is one of the most important enforcement guarantees and is very effective[61] and can be one of the most effective obstacles to future attacks. This campaign should be based on scientific and legal documentation.

Use of Academic Capacity: Cooperation with universities and reputable international research centers to produce scientific and legal studies that prove violations of international law. These studies can be cited in courts and international forums and be effective in engaging opinions and participation of international lawyers and finding the most effective solutions.

Conclusion

Based on the comprehensive and reasoned analysis presented in this study, the June 2025 attacks by the United States and Israel against the nuclear facilities of the Islamic Republic of Iran not only lacked any legal legitimacy, but also constituted multiple clear violations of the fundamental principles of

60. Mahdi Firoozabadian and Faramarz Yadegarian, "The Conflict between State Immunity and Human Rights: Towards an International Compensation Mechanism," *The Journal of Human Rights* 20, 1 (2025): 189.

61. Yadegarian et al., *Iran's Response to U.S. Non-Compliance with International Court of Justice Decisions*, 522.

international law that have serious legal, political, and moral consequences.

From the perspective of the right of legitimate self-defense, precise analysis showed that the mentioned attacks neither meet the strict conditions of Article 51 of the UN Charter nor realize the precise and inflexible criteria of the Caroline doctrine for anticipatory self-defense. The absence of armed attack by Iran, lack of immediate and imminent threat, and existence of active peaceful solutions through diplomacy make any justification based on legitimate self-defense completely invalid and unacceptable.

From the perspective of international humanitarian law, attacks against nuclear facilities constitute explicit and undeniable violation of Article 56 of Additional Protocol I of 1977 and under special circumstances can be classified as war crimes. Also, deliberate damage to civilian targets is a clear violation of the fundamental principles of distinction and proportionality for which there is no justification.

The actions taken by America and Israel have resulted in complete and inescapable international responsibility of both of these States and provide various and complementary legal remedies for the Islamic Republic of Iran. Through the ICJ, International Criminal Court, and various UN mechanisms, the possibility exists for pursuing damage compensation, guarantee of non-repetition, and establishment of justice.

Success in these paths will not only help Iran compensate for damages but will also send a powerful message to the international community that violations of international law, regardless of the power or political influence of the perpetrator, have serious legal consequences.

Principled and determined pursuit of this case by Iran is not only its natural right to defend its sovereignty and national interests, but also constitutes a valuable service to the entire international community and the future of international law. Because maintaining and strengthening the rule of law in the international arena is the shared responsibility of all members of the international community and enjoys common interests.

The experience of history has shown that although the path of justice in the international arena is complex and long, persistence on legal principles and intelligent use of existing mechanisms ultimately leads to the victory of right over force. The June 2025 attacks, which may initially have been perceived as a display of military power, can ultimately become the starting point for further strengthening the international legal system and categorical condemnation of aggression in any form.

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