Designation of a nation's military force unprecedented in international law

Iran should file lawsuit against EU decision on IRGC: *Expert*

INTERVIEW ***As relations between Tehran and key European Union member states have come under strain in recent months amid political and security tensions, EU foreign ministers have raised the prospect of placing the Islamic Revolution Guards Corps (IRGC) on the bloc's terrorist list—marking a new step in the escalation of political pressure on Iran. While the move may carry limited practical effects, it sends significant political and legal signals that merit a closer examination in the broader context of Iran-EU relations.***

The decision has raised serious questions about its grounding in international law, the EU's legal authority to take such action, and the potential consequences for the future of ties between Iran and Europe, particularly as Tehran has already warned that the abuse of legal and security mechanisms would shut down the path of dialogue and diplomacy.

Mohsen Abdollahi, a professor of international law, argues that the EU's decision to label the IRGC as terrorist is without precedent: first, because terrorism is defined as an anti-state crime; second, because such a move violates the principle of state sovereignty under international law; and third, because it constitutes a breach of the principle of non-intervention.

Members of the Islamic Revolution Guards Corps take part in a military parade in Mashhad, Iran on September 21, 2024.
QUDS ONLINE

From the EU's perspective, does the Council of Foreign Ministers have the legal authority to designate an official organization that is part of the sovereign structure of a UN member state as terrorist, or does such a move require a prior judicial ruling by a European court?

ABDOLLAHI: Under EU law, this issue has not been explicitly segregated. In other words, when EU regulations or practices concerning the designation of terrorist entities were formulated, no distinction was drawn between listing a sovereign state organization and listing a non-state entity. Put differently, there was no prior provision addressing whether a country's armed forces could or could not be listed as a terrorist group. As a result, the listing of sovereign institutions has been treated as subject to the same rules governing the designation of individuals and organizations deemed terrorist under EU law.

EU law generally—indeed, consistently—requires that the listing of an individual, organization, or group be based on a prior decision or investigation by a competent authority at either the national or EU level, such as the European Court of Human Rights, the Court of Justice of the European Union, or other EU bodies. By this, I mean that the authority in question may be judicial or political. For example, if one EU member state has identified an individual, an organization, or even, in our discussion, the IRGC, as a terrorist entity, that determination can pave the way and lay the groundwork for action by EU institutions, including the European Parliament and the Council of Europe.

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Mohsen Abdollahi

In the case of the IRGC, as you know, such an opening unfortunately emerged in 2022 following the attack on a synagogue in Düsseldorf, Germany. In that case, the IRGC was accused of involvement in the attack. We believe that this allegation was unfounded and that there was no evidence whatsoever to suggest that the IRGC would have been involved in such an attack. Nonetheless, the initial condition—namely, a preliminary decision by an authority, whether judicial or administrative, regarding alleged terrorist activity—was, regrettably, met.

Subsequently, as you are aware, in connection with that case, the European Parliament adopted resolutions in January 2023, then again in April 2024, and most recently in January 2026, calling for the IRGC to be designated as a terrorist organization. From the standpoint of EU law, it therefore appears that the procedural and formal steps required to list the IRGC as a terrorist entity have been followed. That said, all these steps remain open to legal challenge, but in brief, this is the trajectory that has been taken.

We can then examine whether this issue has any precedent in international law and, finally, address the possibility of revision. But let me stress at this point that for the EU to designate an entity or an individual as a terrorist organization, there must have been a prior effective conviction related to terrorist activities in one of the EU member states. Unfortunately, such a precedent was created in the Düsseldorf synagogue case. In any event, both the Islamic Republic of Iran and the IRGC maintain that the allegation was baseless, and in fact they did not—and rightly so—participate in those proceedings. Still, that episode provided the legal footing that was later used to move toward designating the IRGC as terrorist.

To what extent is this action compatible with the fundamental principles of international law, particularly state and sovereign immunity, the principle of non-intervention, and the principle of the sovereign equality of states?

Under international law, a country's armed forces form an integral part of the state itself. A state enjoys immunity in international law and is, in principle, regarded as inviolable. Moreover, the armed forces fall squarely within acts of sovereignty that are immune from the jurisdiction of courts.

Why do I underscore this point? Because in the American and European reading of terrorism—and indeed in the interpretation generally accepted worldwide—terrorism is understood as an anti-state crime. The underlying assumption is that non-state actors and individuals carry out terrorist acts with the aim of undermining states, not that states themselves engage in terrorism against other states.

It is self-evident that if a state were to carry out terrorist acts against another state, those actions could rise to the level of an armed attack. International law also recognizes that terrorist acts may, in certain circumstances, constitute an armed attack. Therefore, from a legal standpoint, it is fundamentally untenable to characterize part of a country's armed forces as a terrorist force or terrorist organization, because doing so runs counter to the very essence and definition of terrorism.

This is precisely why, when you examine global counterterrorism law, you find a consistent refusal to accept the notion of "state terrorism." Terrorism is, by definition, an anti-state crime. It is not a crime committed by the state; rather, the state is typically the victim of such crimes.

Designating part of a country's armed forces as terrorist is truly unprecedented in international law. We all recall that during President Trump's first term, the United States designated the Quds Force of the IRGC as a terrorist organization. If you look closely at the White House statement issued at the time, even the Trump administration explicitly acknowledged that this move was unprecedented in international law—there had been no prior instance of a state placing a lawful component of another state's armed forces on its terrorist list. The White House itself conceded that the action was without precedent and, notably, limited it to the Quds Force.

It was after that decision that a broader trend—or campaign, one might say—took shape, unfortunately fueled in part by some Iranians living abroad, pushing for the IRGC as a whole to be designated as a terrorist organization in countries such as Australia or within the European Union. As I have said, this move is unprecedented: first, because terrorism is an anti-state crime; second, because it violates the principle of state sovereignty under international law; third, because it breaches the principle of non-intervention; and fourth, because it contravenes the United Nations Charter. Under the UN Charter, states are sovereign equals, and no state is entitled to subject even the core components of another state's sovereignty—including its armed forces—to its own jurisdiction or restrictive measures. For these reasons, this action is considered unprecedented and in violation of international law.

Given previous legal practice, including cases involving sanctioned groups and individuals, what implications does the absence of a final court ruling have for the potential annulment of this decision before the Court of Justice of the European Union?

This decision, like nearly all EU decisions, is an act of the European Union itself. If the IRGC as a whole has been covered by this designation, it could be said that the EU has gone a step further than the United States. That in itself is striking—how European states have managed to outpace even the Trump administration in breaching international law, given that despite all its disregard for international norms, the Trump administration confined its designation to