

## International Liability When Violating the Headquarters of Diplomatic Missions

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### Abstract

The development of international relations has made most countries of the world rely on diplomatic representation in all its forms as a means of communication and protection of mutual interests. The diplomatic mission is the link between the governments of the countries that are working to achieve cooperation starting from the transfer of different opinions between countries and trying to overcome the difficulties that escape the entanglement Interests.

The Diplomatic Mission has given its diplomatic and diplomatic functions to the diplomatic missions a special status, with full protection, so that it can play its role quietly away from all pressures, In the State which has adopted it. This reality is found in peacetime when States have ratified the Vienna Convention on Diplomatic Relations, 1961.

In times of war, if we accept the severance of diplomatic relations because of a war between two countries exchanging diplomatic representation, States must apply the rules of international humanitarian law and consider diplomatic envoys among the civilians recognized by the Fourth Geneva Convention of 1949 as special protection against the enemy state, And the role and headquarters of diplomatic missions should be classified as civilian objects that should not be the target of military operations.

To establish and maintain international protection for diplomatic missions and to establish mechanisms for this, namely, the establishment of international responsibility for the violation of the inviolability of the diplomatic envoy and the role of diplomatic missions, there is a tortious responsibility by the receiving State as it did not provide security for the diplomatic mission, Executive or judicial authority. The personal criminal responsibility of the President for his acts or those of his subordinates is also carried out If a serious violation of the Fourth Geneva Convention of 1949 is committed.

**Keywords:** International Relations, International Liability, Violation, Headquarters, Diplomatic Missions.

## Introduction

Permanent diplomatic missions play an important and pivotal role within the scope of international relations. Through them, these relations are established and managed, and through them the interests and affairs of persons of international law are protected. Through it, it is also possible to reconcile conflicting issues, unify disparate viewpoints, and resolve and settle international disputes in a way that ensures the spread of peace and international cooperation. Diplomatic missions are. The main tool for countries to implement their foreign policies and take care of their international affairs and interests existing with the countries themselves or with international organizations within the framework of what is known as the system of permanent diplomatic representation. The system of permanent diplomatic representation is based on principles and foundations that make diplomatic relations a method, method, and profession with multiple functions exercised by diplomatic missions accredited to States or international organizations. These missions have witnessed the practice of the aforementioned relations in different forms and types. But they were united and all centered around one goal and principle, which stipulates granting permanent diplomatic missions specific immunities and privileges that

allow them to perform their assigned diplomatic tasks to the fullest extent, in a way that achieves the goal of diplomatic relations in ensuring the interests of countries and caring for them in the required manner. This resulted in a close, organic connection between the diplomatic missions' practice of these relations and the necessity of them enjoying the system of immunities. Privileges The system of diplomatic immunities and privileges constitutes the most important pillars of international relations. Only through it do countries guarantee the optimal and effective performance of diplomatic functions exercised by their diplomatic missions accredited to other countries or to international organizations. Therefore, international law has approved a number of privileges and immunities for these missions, guaranteeing them complete independence in carrying out their diplomatic tasks, and the necessary care for their diplomatic personnel to ensure that they benefit from special treatment by the authorities of the host country. These immunities and privileges include whether those granted to diplomatic missions established by states in other countries subject to the Vienna Convention on Diplomatic Relations of 1961 or those of permanent missions of states to international organizations established in accordance with the Vienna Convention of 1975. The relevant headquarters of the permanent diplomatic mission and all of its activities in addition to All its diplomatic members. Based on this, the question arises about determining the content and scope of benefiting from the immunities and privileges of diplomatic missions, whether approved by the countries mentioned in the relevant 1961 Convention or specified under the 1975 Convention on the Representation of States in International Organizations, and the extent of the aggressor country's responsibility for violating the headquarters of diplomatic missions? In order to answer this question, we decided to divide the study into two axes. The first includes the immunities and privileges of the headquarters of the diplomatic mission and its work, while the second relates to international responsibility when violating the headquarters of diplomatic missions and their effects, and this is what we will explain through this topic.

## Reasons for Choosing the Topic

The reasons for choosing the subject of the study lie in objective considerations, the most important of which is: an attempt to shed light on the international guarantees and protection of the headquarters of all diplomatic missions within the framework of the rules of international laws and international humanitarian laws, especially after the situation of diplomatic envoys and their headquarters in the recent period as a result of the escalation of attacks on them during the wars that witnessed in recent decades.

In this context also, what happened to some Syrian embassies abroad, especially in some Arab countries, the most recent of which was the attack on the Palestinian embassy by the Israeli occupying country, which is in great violation of international law and international agreements.”

## The Problem of the Study

The problem of the study lies in answering the following questions: Have international laws established a legislative system that may fortify and protect the headquarters of all diplomatic missions during wars and armed conflicts, ensuring the protection of their personnel, headquarters, and diplomatic attachés? From this main question, a number of sub-questions emerge, including:

- 1-What is the protection guaranteed to diplomatic envoys during wars and international armed conflicts and their diplomatic headquarters, under international laws and international humanitarian laws?
- 2-What is the impact of wars and armed conflicts on the immunity of the diplomatic mission headquarters? What is the legal basis for international protection for diplomatic envoys and their diplomatic headquarters? What is the meaning of the term diplomatic envoy?

## The Importance of the Study

The importance of the study is due to the following points:

- 1- Shedding light on the texts of the Vienna Convention on Diplomatic Relations of 1961, which established and codified international rules and norms related to diplomatic immunities, which were accepted by various countries and legally committed, making them one of the most important international charters that must be followed and adhered to.
- 2- The desire to know the subject of study from all aspects.
- 3- The scarcity of references written on this issue. Most of the writings focused on diplomatic immunity in general, and the immunity of the headquarters of the diplomatic mission was not established except through a few researches.

## Objectives of the Study

The study aims to achieve a number of objectives, including:

- 1- Identify the international efforts made to establish an international organization to protect the headquarters of all diplomatic and consular missions during wars and armed conflicts.
- 2- Knowing which types of wars and armed conflicts could be an area for applying international guarantees and protection for the headquarters of diplomatic missions.

## Limitations of the Study

Temporal boundaries: The temporal boundaries of this study start from 1961, the date of the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations of 1963, until the time of conducting this study.

-The spatial boundaries of the diplomatic missions in the accredited country and the host country that has the headquarters of the diplomatic missions.



## Study Limitations

The study is limited to general diplomatic and international law, international criminal law, administrative law related to the state and the state to which diplomatic missions are accredited, and the legal guarantees contained in the Vienna Conventions on Diplomatic Relations of 1961, and the Vienna Convention on Consular Relations of 1963.

## Previous Studies

We did not find anything with the same title, but we did find some studies that talk about the subject, including:

- 1- Hassan Mustafa Adel. (2013) Judicial immunity of the diplomatic envoy and ways to eliminate it in public international law (unpublished master's thesis), Al-Nahrain University, Baghdad. This study dealt with the rules of diplomatic immunity and its importance in international relations in view of the negative consequences and repercussions on the conduct of diplomatic relations, and creating a state of balance between the need to continue this immunity on the one hand and the need for all manifestations of crimes and arbitrariness issued by diplomatic envoys on the other hand, which is This would lead to obstructing the conduct of diplomatic relations and the effective performance of the functions of diplomatic missions. This study differs from our study because the judicial immunity that the diplomatic envoy enjoys from public order and that this privilege does not entitle him to violate the instructions, laws and regulations that are among the basic duties of the state. If the envoy intentionally violates it, he may be subject to the courts of the state to which he is accredited if his state waives his immunity. Or he is subject to the courts of his country if it adheres to his immunity, and the state may resort to diplomatic methods, while our study deals with the responsibility of the host country for the headquarters of the diplomatic

mission and for the violations they commit against the headquarters of the mission, and that the competent authorities impose disciplinary penalties in the event that they breach the duties entrusted to them under the jurisdiction of the internal law of their country.

2- Al-Hajj, Murghad. (2005) Immunity of Diplomatic Envoys, (Master's Thesis), Muhammad Khudair University. This study dealt with the immunities and privileges enjoyed by diplomats through the Vienna Convention on Diplomatic Relations of 1960 and the Consular Missions Agreement of 1963, which gave the diplomatic envoy a group Among the rules and immunities of his mission, especially judicial immunity, this agreement was considered an advanced step towards stabilizing the rules of diplomatic immunity at the international level. In one of its chapters, it addressed the issue of the diplomatic envoy and the scope of diplomatic immunities and privileges.

This study differs from our study in that it was limited to diplomatic immunity, its legal basis, sources, types of immunities and privileges of the diplomatic mission, while our study deals with the violations that may be exposed to diplomatic missions, whether by diplomatic envoys while performing their duty or the violations that may occur on the mission's buildings that it owns or It is chartered by the sending state as well as its responsibility for the administrative actions it carries out through the internal law of the adopting state and the diplomatic representation of the state that asserts its legal existence and independence vis-à-vis other states.

### **Study Curriculum**

The following curricula were relied upon:

-The descriptive approach: This approach depends on describing the concepts of the diplomatic mission, the concept of the headquarters, and describing international

and national measures to enhance procedures and measures to protect the headquarters of diplomatic missions.

-The analytical approach, which is the approach through which jurisprudential opinions on various study topics may be reviewed, in addition to analyzing a number of texts of the agreements that established international guarantees and protection for diplomatic envoys. To identify their shortcomings and compare them.

## Study Plan

The first topic: The state's responsibility for violating diplomatic and consular immunities

The second section: The consequences of violating diplomatic immunities and dispute settlement mechanisms.

## The First Topic: State Responsibility for Violation of Diplomatic and Consular Immunities

### First: Immunity of the Mission Headquarters

The Vienna Convention on Diplomatic Relations of 1961 established for the role of diplomatic missions the right to enjoy complete immunity in order to guarantee the security and independence of the mission's headquarters on the one hand, and to respect the sovereignty of the state it represents, on the other hand, as it is one of the characteristics directly related to the sovereignty of the state sending the mission, given the use of this headquarters as a center for its mission, and the same applies to the headquarters of diplomatic missions. Accredited by international organizations.<sup>1</sup> The relevant 1975 Convention recognized the right to enjoy diplomatic immunity for

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<sup>1</sup>- Claude Albert Colliard, La convention de Vienne sur les relations diplomatiques. A.F.D.I. Volume 7, 1961, p7.



the headquarters of these missions. Whatever the case may be, the scope of the immunity of the headquarters of permanent diplomatic missions includes all buildings occupied by these missions and all documents and archives located therein or belonging to them.

### **A- The immunity of the mission buildings**

The headquarters of a diplomatic mission in the system of diplomatic representation between states, in terms of extending the scope of immunity assigned to it, includes all places and buildings that the mission occupies or uses for its needs, regardless of their owner, including the home of the head of the mission.<sup>2</sup> The courtyard surrounding the mission headquarters and the rest of the other annexes, such as gardens, shops, or places designated for cars, are part of the scope of the immunity assigned to the headquarters, and this immunity imposes two basic obligations on the authorities of the host country. The first stipulates that these authorities are prohibited from entering the mission headquarters except with explicit permission from its head, so that it prevents notification of Judicial records within the mission headquarters, or notification of subpoenas or summonses to appear before the judiciary and other official bodies in the host country. Police officers are also prohibited from entering the mission headquarters to investigate any crime committed there unless expressly authorized by the head of the mission. “Attached to the immunity of the mission headquarters is the abstention by the authorities of the host country from initiating inspection, seizure, seizure, or enforcement procedures on the mission’s funds and means, even if this is supported by permission.” Explicit from the competent judiciary.<sup>3</sup> while the second obligation imposes on the authorities of this country to take all necessary measures and all necessary means and measures to protect the

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<sup>2</sup>- The Vienna Convention on Diplomatic Relations, which was ratified on April 18, 1961, and entered into force on April 24, 1964.

<sup>3</sup> - Jean Salmon, Manuel de droit diplomatique, Bruyant, Bruxelles, 1994, p. 175..

mission's home against any action that would undermine the security and respect of the mission. The host country's fulfillment of this obligation inevitably requires it to follow legal procedures and special security measures. Contrary to what it follows in its public duty to maintain security and other requirements of public order

This obligation extends to protecting the headquarters of the diplomatic mission and its assets even in the event of an armed conflict or the severance of diplomatic relations between the two countries, whereby guarding the headquarters of the diplomatic mission is pledged to a third country on the condition that the host country accepts it, as stipulated in Article 45 of the Vienna Convention on Diplomatic Relations of 1961.<sup>4</sup>

As for the immunities related to the buildings of permanent missions accredited to international organizations, we find that the relevant 1975 Convention has taken into account the same content as the immunity granted to the buildings of a diplomatic mission contained in the 1961 Convention, where the first paragraph of Article 23 stipulates that the sanctity of the mission's buildings may not be violated and representatives may not The authorities of the host state may enter them only with the approval of the head of the mission." The agreement also obligated the host state to take, in particular, all appropriate measures to protect the mission from any actions that would disturb the peace of the mission or harm its sanctity. However, the aforementioned agreement included an obligation for the host state that was not mentioned in the 1961 agreement. M, as it required this state, in the event of any attack on the mission's buildings, to take appropriate measures to prosecute and punish the persons who committed it<sup>5</sup>.

<sup>4</sup> - Article 45 of the Vienna Convention on Diplomatic Relations of 1961

<sup>5</sup>- Article 23 of the Vienna Convention of 1961

## **B- Immunity of the mission's documents and archives**

The scope of the immunity of the mission headquarters includes all movable objects located therein, and this is a logical consequence because the inviolability of the headquarters automatically extends to all its assets. However, the mission's documents and official archives enjoy special inviolability that makes them superior to the immunity of the mission itself. It may happen, for example, that the head of the mission authorizes the authorities of the host country to enter. To the mission headquarters in specific cases, as stipulated in Article 22 of the Vienna Convention of 1961, but these authorities cannot in all cases access or inspect the mission's documents, whatever the reasons. Subjecting the immunity of the mission headquarters to this exception does not necessarily lead to the mission's archives and documents being subject to its consequences. Therefore, the immunity of the mission's archives and official documents is a stand-alone and independent immunity. The places where it is located. This is because the immunity of the headquarters does not guarantee the protection of the mission's documents if they are outside its headquarters where they could be exposed unless they benefit from special legal protection. For these considerations, the Vienna Convention of 1961 singled out the mission's documents and archives with a special provision contained in Article 24 of the Convention. Archives and mission documents have guaranteed inviolability. At all times and in any place<sup>6</sup>

The Vienna Convention on the Representation of States in International Organizations of 1975 adopted the same content of the immunity of the mission's documents and archives contained in the 1961 Convention. The scope of this immunity includes all the mission's documents, documents, its archives, and all its archives, and all of these purposes are subject to a special legal sanctity that prevents

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<sup>6</sup> - Article 22 of the Vienna Convention of 1961.

their access or confiscation, whatever the circumstances. And in any place, it is in the same manner as is applicable in the 1961 Convention. This is confirmed to us by the text of Article 25 of the relevant 1975 Convention, which states: “The mission’s archives and documents shall be inviolable at all times and regardless of their location.”<sup>7</sup>

### **Second: Privileges and Facilities Related to the Mission’s Work**

In addition to the immunities enjoyed by the Permanent Mission regarding its headquarters and assets, the latter enjoys facilities and privileges related to the conduct of its work that can be determined according to the following:

#### **A- Freedom of communication:**

International law recognizes the right of a diplomatic mission to official communications and correspondence, and this right has been included in the rules relating to diplomatic immunities and privileges. These rules are primarily focused on ensuring the freedom and independence of the mission when performing its diplomatic duties, as one of the requirements for the diplomatic mission to carry out its assigned tasks is that it enjoys the full right to communicate with the parties. Which requires the principles of its function to communicate with it, and at the forefront of these parties is its host country, as well as the offices affiliated with the mission located in the territory of the host country, and in keeping with what has been established in international dealings in this matter. This right was approved in the Vienna Convention on Diplomatic Relations in 1961, where the first paragraph of Article 27 stipulates that the host country allows the diplomatic mission freedom of communication for the official purposes of the mission and protects this freedom. The diplomatic mission has the right to use all appropriate means of communication, such as the diplomatic bag, diplomatic messengers, and letters. Encrypted

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<sup>7</sup> - Abu Haif Ali Sadiq (1998) Diplomatic Law, Mansha’at Al-Ma’arif, p. 12

conventions <sup>8</sup>Of course, the aforementioned means of communication enjoy legal protection similar to that enjoyed by the mission's documents and official archives, preventing them from being viewed, exposed to, or leaked, whether they take place in the territory of the host country or in the territory of any other country through which the aforementioned means pass. Therefore, the obligation The inviolability of the mission's correspondence is not limited to the host country only, but this protection extends to all other countries through which this correspondence passes on its way to its final destination.

It should be noted in this regard that the diplomatic bag is the most widespread and widely used means of communication within the framework of the exercise of diplomatic relations for its proven practical benefit in transferring the mission's correspondence, documents and other official documents to and from the sending state on the one hand, as well as between the diplomatic mission and the rest of the sending state's missions accredited to other countries or International organizations, on the other hand, therefore enjoy absolute and certain inviolability, such that they may not be opened or seized to ensure the safe arrival of the documents, official papers, and materials intended for official use without revealing their confidentiality. However, if the authorities of the host country have any suspicion that the bag contains illegal items, all they have to do is ask the sending country to open it in the presence of a representative.

Officially, and if they reject it, they must order it to be withdrawn immediately and returned to its original source <sup>9</sup>As previously explained, the Vienna Convention of 1961 allowed the diplomatic mission the right to use all available means of

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<sup>8</sup>- Ahmed Abu Al-Wafa, Law of Diplomatic and Consular Relations, Dar Al-Nahda Al-Arabi, Cairo 2003, p. 221

<sup>9</sup> - Hassan Al-Shami, Diplomacy: Its Origins, Development, Rules, and the System of Diplomatic Immunities and Privileges, Dar Al-Thaqafa for Publishing and Distribution, Amman, Jordan, 2007, p. 48



communication in diplomatic work, but it left the matter of the use and installation of wireless devices subject to the prior approval of the host state. On the other hand, the aforementioned agreement linked the principle of the right of diplomatic communication to functional purposes only.<sup>10</sup> Therefore, all actions and actions are excluded from enjoying the necessary protection and facilities associated with this right. As for the freedom of communication guaranteed to missions accredited to other countries or to international organizations, on the other hand, they enjoy... With absolute and certain inviolability, such that it may not be opened or seized to ensure the safe arrival of the documents, official papers, and materials intended for official use without revealing their confidentiality. However, in the event that the authorities of the host country have any doubt that the bag contains illegal items, all they have to do is ask the sending country to open it in the presence of an official representative, and if it refuses, it must order it to be withdrawn immediately and returned to its original source. As previously explained, it has permitted The Vienna Convention of 1961 gives a diplomatic mission the right to use all available means of communication in diplomatic work, but it leaves the matter of the use and installation of wireless devices subject to the prior approval of the host state. On the other hand, the aforementioned agreement linked the principle of the right of diplomatic communication to functional purposes only. Therefore, all actions and actions are excluded from enjoying the necessary protection and facilities associated with this right. As for the freedom of communication guaranteed to missions accredited to international organizations, those outside the official and functional framework of the mission's jurisdiction are identical to those established. For diplomatic missions accredited to countries. This is what is clear to us through the text of Article 27 of the 1975 Convention on the Representation of States to International Organizations, which obligated the state of the headquarters of the

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<sup>10</sup> - Talas, Aisha Hala Muhammad (1998) International Terrorism and Diplomatic Immunity, unpublished doctoral dissertation, Cairo University, p. 43.

international organization to guarantee the freedom of missions to communicate with their litigating countries and the rest of the bodies with which they must communicate, such as the missions of other countries accredited to the international organization or the diplomatic mission of its country. Approved by the headquarter country.<sup>11</sup>

### **B- Exemption from taxes and fees**

Especially related to taxes and real estate fees, concepts related to the sovereignty of the state and the principle of submission to the authority of its laws and territorial jurisdiction are based. There is no doubt that subjecting the mission headquarters and all other appurtenances under its rule to the rules and procedures imposed in the tax legislation in force in the host country. This would undermine the independence and immunity of the mission, especially if the method of collection was coercive. Therefore, the Vienna Convention of 1961 settled every dispute that stemmed from the aforementioned problem by approving the text of Article 23, which stated: The sending state and the head of the mission shall be exempt from all public and local taxes and fees associated with the mission's private areas. Based on this text, diplomatic missions accredited to countries now enjoy the privilege of being exempt from paying taxes and fees stipulated in the legislation of the host country in force, as the real estate tax is the most important and prominent tax due on the mission house in accordance with the tax systems in force in the host countries, and the host countries exempt missions accredited to them from Paying the due real estate taxes and fees if the mission headquarters are owned by these countries, but if they are owned by the mission itself, the host country refrains from imposing any fees or taxes on them, while if these headquarters are occupied for rent, the missions renting them are exempt from paying any fees or taxes. Taxes such as taxes on rental value and

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<sup>11</sup> - Article 27 of the 1975 Conventi

levies to the host country <sup>12</sup>However, the aforementioned tax concession does not grant the mission an exemption from paying fees and taxes related to special services, such as fees related to water, electricity, and telephone bills and other similar fees and taxes corresponding to the provision of services stipulated in the second paragraph of the aforementioned Article 23 of the 1961 Vienna Convention.

It goes without saying in this regard that the benefit of the headquarters of diplomatic missions from these tax privileges is essentially linked to the reasons for the diplomatic function. Therefore, owning or renting any property belonging to the mission outside the scope of its official duties is subject, like other real estate, to fees and taxes due under the tax legislation in force in the host country. It must be noted that the headquarters of diplomatic missions accredited to international organizations enjoy, similarly to what missions accredited to countries enjoy, tax exemptions related to fees and taxes imposed on real estate, with the exception of taxes imposed under the use of special services, as we previously explained with regard to missions accredited to countries. In this regard, Article 24 of the relevant Vienna Convention of 1975 stipulates: “The mission premises owned or rented by the sending State or any person working on its behalf shall be exempt from all national, regional and municipal fees and taxes, other than what is paid by it in exchange for the performance of services.” Specific.

According to the above, the sanctity of the headquarters of the diplomatic mission is absolute and no exception can be claimed for violating it. However, this principle was attached by the Vienna Conference to two other principles through the first and third paragraphs of Article 41 of the Vienna Convention, which is respect for the laws and internal regulations of the receiving state, and non-interference in its

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<sup>12</sup> - Eileena Denza. Diplomatic law, a commentary on the Vienna convention on diplomatic relations, 2<sup>nd</sup> edition, Oxford University press, New York, 1998, P 124.

internal affairs. And not to use the mission headquarters in any way that is inconsistent with the mission's function, in order to maintain the balance between the interests of the receiving state and the interests of the sending state. In the same idea, the mission headquarters cannot be used in a way that is inconsistent with the mission's tasks, whether it is used illegally and in violation of the laws and regulations of the receiving state. Such as detaining people inside the embassy, or using the headquarters to store weapons and prohibited materials, especially drugs, or using it in a way that is inconsistent with the mission's tasks. The headquarters was used for private commercial activity or for holding gatherings.<sup>13</sup>

### **Third– Breach of the Duty to Protect the Headquarters of the Diplomatic Mission:**

The other manifestation of the obligations of the receiving state lies in its duty to protect the headquarters of diplomatic missions, which means that the latter is committed to taking all means to protect the headquarters of the mission from any assault, attack, sabotage, or any other act that could affect the security of the mission or harm its reputation, out of respect for the sovereignty of the state. Represented by the mission and to perform its duties freely.

This duty was stipulated in the second paragraph of Article 22 of the Vienna Convention of 1961. <sup>14</sup>According to this principle, the receiving state has an obligation to ensure broad protection for the headquarters of diplomatic missions, and it is required to take appropriate measures, taking into account the existing circumstances, to secure external protection for the mission's buildings.; Attacks on

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<sup>13</sup> - Abdelkader BOUSSELHAM, Regards on the diplomatic algérienne, Casbah editions, Alger, 2005, p. 131.

<sup>14</sup> - Al-Idrissi, Abdel Karim (1997) Diplomatic, consular and international immunities and privileges and the national security requirements of states, unpublished doctoral dissertation, Hassan II University, p. 43.

diplomatic headquarters have become one of the recurring cases at the present time as a result of the complexity and deterioration of international and regional situations. The headquarters of diplomatic missions have often become one of the places most exposed to damage, and this phenomenon has worsened in recent years, as these embassies are often exposed to attack attempts or popular protests. It causes damage to the embassy buildings despite the security measures taken by the host country. As for the case of demonstrations and political unrest, it can be said that a balance must be found between freedom of expression or peaceful demonstration and the duty to protect the headquarters of diplomatic missions. What is noted in this regard is that it is rare to ban demonstrations, but countries usually protect mission buildings when there are demonstrations or internal disturbances, especially if they are near embassies.<sup>15</sup>

As for the disturbances that take the form of acts of violence and riots, in which individuals publicly express their opposition and dissatisfaction, violations often occur during these disturbances, attacks on mission headquarters, and acts of looting and violence. Recently, there have been many attacks and protests on many embassies around the world by parties Opponents, students, and even its citizens, in order to express their opposition and protest against the existing political system in their countries.<sup>16</sup>

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<sup>15</sup> - Ahmed Abu Al-Wafa's Breaking of Diplomatic Relations, Dar Al-Nahda Al-Arabiya, Cairo, 1991, p. 127.

<sup>16</sup> - Al-Harash, Abdul Rahman (2001) Abuse of diplomatic immunity in light of the Vienna Code of Diplomatic Relations of 1961 AD. Doctoral dissertation from Annaba University, p. 59



## The Second Topic: Consequences of Violating the Headquarters of Diplomatic Missions

The Vienna Convention on Diplomatic Relations attempted to find a kind of balance between the interests of the sending and receiving state, stipulating that the immunities and privileges granted to the diplomatic mission and its envoys must be respected. These means, in general, are of a therapeutic nature, with a varying degree of impact on diplomatic relations that may sometimes lead to the severing of diplomatic relations between the two sending states. And the future. When their diplomatic missions abroad and their envoys are attacked, countries resort to some means to express their dissatisfaction and protest against the acts committed without reaching the point of severing diplomatic relations. The most important of these means is the expulsion of the diplomatic envoy present on its territory if the head of the mission or any other diplomatic person in it commits acts. It is not consistent with the nature of the diplomatic position to declare him *persona non grata*, as the presence of the diplomatic envoy in the receiving state depends primarily on the will of the latter, and this customary rule was stipulated in Article 9 of the Vienna Convention of 1961. <sup>17</sup>There is also a request to reduce the size of the mission, The Vienna Convention on Diplomatic Relations grants the right to reduce a diplomatic mission as a measure to confront cases of abuse in the use of diplomatic immunities and privileges. On the other hand, if the previously presented procedures fail, the decision to sever diplomatic relations between the sending and receiving countries becomes the only appropriate measure as a result of violations of diplomatic immunities and privileges, and in view of the effectiveness of this procedure and the need of states for regular periods of contact between them, and also due to the unwillingness to bear the bad effects that result from severing. Diplomatic relations, countries usually

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<sup>17</sup> - Salah El-Din Amer, Introduction to the Study of the Law of Armed Conflict, Dar Al-Fikr Al-Arabi, Cairo 2002, p. 56

consider it the last resort they resort to, and it is only in serious cases of deterioration of relations between the sending and receiving countries.<sup>18</sup> On the other hand, and in view of the seriousness of terrorist crimes against diplomatic missions and the multiplicity of their parties, global and regional efforts have combined to criminalize the acts that constitute them, and to determine penalties that are commensurate with their serious nature, with a commitment to adopting the principle of extradition if its conditions are met or trial before national or competent courts with the aim of mitigation. Of its grave effects.<sup>19</sup> These agreements also referred to the duty of international cooperation in this field in order to combat impunity, starting with joining the agreements on the protection of diplomatic missions and ending with the exchange of information and judicial assistance in this field.

On the third hand, in this regard, states can resort to implementing international responsibility.

That is, the performance of obligations that arise from the responsible state by virtue of its commission of an internationally wrongful act. Although the responsibility of a state arises under international law independently of its invocation by another state, it is nevertheless necessary to determine what other states can do that have faced a breach of an obligation. International, and the action that it can take to ensure the implementation of the obligations to cease and redress by the responsible state, and this matter is referred to as the implementation of international responsibility.<sup>20</sup>

<sup>18</sup>- Abu Haif Ali Sadiq (1998) Diplomatic Law, Mansha'at al-Ma'arif, Alexandria, p. 140.

<sup>19</sup>- Sofie schrevelius has larsson, the positive duty to 15 protect diplomatic mission and Personalmaster thesis, faculty of law, sp ring, 2005, p.2

<sup>20</sup>- Samia Siddiqui, The Principle of Consent in Diplomatic Relations, Master's Thesis in International Law, Faculty of Law, University of Algiers, 2008, p. 117

## Conclusion

Through our study of the issue of international liability when the immunity of the headquarters of diplomatic missions is violated, we have concluded that the Vienna Convention on Diplomatic Relations of 1961 is considered an important advanced step towards stabilizing the rules of diplomatic immunities and privileges at the international level and the important principles it stipulates that have established the principles of diplomatic relations, including the protection of the headquarters of diplomatic missions. However, in fact, it codified the rules of international custom in force during a period of time when most countries, especially developing ones, had not appeared on the scene of international events to participate in establishing those important international rules. In general, the rules of international law can determine the international protection of the headquarters of diplomatic missions. And the consulate. Protection extends to the archives, documents, and communication devices contained in these headquarters. Protection also extends to all members of these missions and their families. The basic reason for determining protection under the rules of international law for the headquarters of diplomatic and consular missions is to ensure the effective performance of the diplomatic function, ensure the independence of the work of diplomatic personnel and respect for the sovereignty of the accredited state. Accordingly, the receiving state is obligated not only to provide the necessary protection directly, but also to take measures to stop cases of attacks that may be exposed to the headquarters of diplomatic and consular missions by unofficial parties or by private persons, and the receiving state is obligated to punish those who attack the missions. Diplomacy and consulate. Accordingly, we will present the most important results and recommendations that were reached, as follows:

## Results

- 1- During armed conflicts, diplomatic envoys and their headquarters enjoy dual protection, the roots of which stem from the rules of both international law and international humanitarian law.
- 2- The responsibility of the receiving State that is proven to have been negligent in facilitating the deportation of foreign diplomats and members of their families immediately after the occurrence of military operations, or breached the duty of caution represented by taking security measures to protect diplomatic missions from the dangers of ongoing military operations in its territory, and the same if it is proven to be negligent in arresting them. The perpetrators shall be tried and punished in accordance with what is required by its criminal laws.
- 3- The importance of the role of the International Criminal Court in order to stop the blood of diplomats by imposing just punishments against the perpetrators of violations against this category of civilians.
- 4- The absence of an integrated international legislative system to protect the headquarters of diplomatic missions during wars and armed conflicts, and this is what we see through the Vienna Convention on Diplomatic Relations, which stipulated the immunity of the headquarters of the diplomatic mission, but it did not specify the issue of the immunity of the headquarters of all diplomatic missions in the event of their violation during Wars and armed conflicts.

## Recommendations

1. It recommends that countries and all their institutions respect diplomatic representation in their bodies, and respect and ensure that all diplomatic envoys and the buildings of all diplomatic missions enjoy the diplomatic immunities and privileges guaranteed and approved for them by international laws in both custom and international agreements.

2. Serious crimes that threaten the state's security, safety, and security system must be identified, stipulated, and removed from the scope of diplomatic immunities.
3. Explicit articles must be put in place detailing the procedures taken by the local authorities of the receiving state to enter the headquarters of all diplomatic missions in order to avoid compromising the sanctity of those headquarters and their archives.
4. We recommend amending the text of Article 45 of the Vienna Convention on Diplomatic Relations of 1961, which stipulates the protection of mission buildings at the time of severing diplomatic relations, as well as during international armed conflicts, by stipulating that the obligation of protection extends even in the event of non-international armed conflicts or wars and internal armed conflicts.

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