

The Limits of Immunity Granted to the Diplomatic Representative

- Between Functional Privilege and the Necessity of Legal Accountability -

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Abstract:

Diplomatic immunity is considered one of the most important mechanisms that ensure the independence of a diplomatic representative in performing their duties without fear of pressure or legal prosecution in the host state. However, this immunity is not absolute, as it is limited by the principle of respecting the laws and regulations of the receiving state, and it cannot be exploited for actions that affect its sovereignty or internal security. Immunity also ceases upon the conclusion of diplomatic duties and does not extend to personal acts or serious crimes committed outside the scope of official functions. The principle of legal accountability is a necessity to ensure that immunity does not become a means of escaping punishment. Therefore, balancing functional privilege and legal responsibility remains the core of the modern diplomatic system, protecting the mutual interests between states.

Keywords:

Diplomatic immunity, international law, diplomatic representative, legal accountability, Vienna Convention, international relations.

Introduction:

Diplomatic immunity is one of the oldest and most established rules in the history of international relations. It originated as an international custom to ensure the safety of diplomatic envoys and later evolved into a comprehensive legal principle aimed at protecting the freedom and independence of their work in accredited states. Since its codification in the 1961 Vienna Convention on Diplomatic Relations, immunity has become a fundamental pillar underpinning relations between states. It is not a personal privilege granted to a diplomat but a functional necessity that ensures effective performance of their duties without any pressure or coercion from the host state's authorities. This principle was affirmed by the International Court of Justice in its advisory opinions on the immunities and privileges of United Nations agencies (1949 and 1989). Historically regarded as absolute, this principle allowed diplomatic envoys full immunity from criminal jurisdiction, protecting them from prosecution for any acts they may commit.

However, despite its importance, this privilege has raised profound legal and ethical issues, particularly with the development of international legal thought and the rise of serious crimes that threaten international peace and security. Many cases have shown that diplomatic immunity can shift from a tool ensuring stable relations to a legal cover for evading criminal responsibility for serious acts, such as terrorism, crimes against humanity, and other acts that

cannot be ignored. This conflict between the sacred principle of immunity and the necessity of achieving justice and holding perpetrators of serious crimes accountable poses a real challenge to international law: whether immunity is truly absolute or limited by the requirements of international justice.

This leads to the main problem of this study: To what extent can the criminal immunity of a diplomatic representative be limited in the face of serious crimes, and what legal and practical mechanisms are available for holding them accountable without undermining the principle of diplomatic immunity as a whole?

To address this issue, the study is divided into two main sections. The first section examines the legal basis of diplomatic immunity by reviewing the international framework under the 1961 Vienna Convention and defining its personal and functional scope. The second section addresses the limits of immunity and the possibility of criminally holding the diplomatic representative accountable, exploring exceptions and potential restrictions in cases of serious crimes, and analyzing mechanisms for waiving immunity and referring the diplomat for accountability, whether judicial or non-judicial.

Section One: Legal Foundations of the Diplomatic Immunity System

The system of diplomatic immunities and privileges is one of the oldest rules established in the customs of relations between states. Historically, a diplomatic envoy was considered a sacred person who could not be harmed. Over time, this custom developed into a firmly established principle of public international law. However, these rules were not systematically organized until the 1961 Vienna Convention on Diplomatic Relations, which represented a qualitative leap in this field. The Convention codified these customs and unified them within a binding legal framework, thereby establishing a clear legal foundation for diplomatic immunity.

This section aims to analyze this legal foundation. The first part studies the international framework established by the Vienna Convention, while the second part details the scope of immunity in terms of personal (who enjoys immunity) and functional (what immunity covers) aspects.

Part One: International Legal Basis of Diplomatic Immunity under the 1961 Vienna Convention – From Custom to Codification

The 1961 Vienna Convention on Diplomatic Relations is undoubtedly the most important contemporary international document that transformed well-established customary rules in diplomacy into codified law, marking a decisive step in unifying and organizing the provisions of diplomatic immunities and privileges globally. Understanding the philosophical justification for these immunities and privileges is important. In 1956, the International Law Commission suggested that the requirements of diplomatic functions should form the basis for the international convention intended to establish minimum privileges and immunities for diplomatic envoys performing their duties.

The commentary accompanying the 1958 draft noted that the Commission's approach was influenced by the theory of functional necessity when resolving problems that could not be addressed due to ambiguous customary practices. The Commission also did not overlook the theory of the representative capacity of the head of the diplomatic mission.

The preamble of the 1961 Vienna Convention states that “the privileges and immunities are not granted for the personal benefit of individuals but to ensure the efficient performance of the functions of diplomatic missions as representatives of their states.”

In summary, the Convention adopted both the functional necessity theory and the representative capacity theory. The Convention also shows a tendency to expand diplomatic immunities and privileges. For example, Article 37 grants technical and administrative staff diplomatic immunities and privileges because they perform functions that are especially important to the mission. Article 22 of the same Convention establishes the absolute immunity of the premises of the diplomatic mission, emphasizing that diplomatic missions represent sovereign states, which must be respected by the host states.

The prevailing interpretation of the 1961 Vienna Convention adopts both the functional necessity and representative capacity theories. One of the functions of diplomacy covered by immunities and privileges is representing the sending state in the host state. Article 31 of the 1961 Vienna Convention states that diplomatic envoys enjoy absolute immunity from criminal jurisdiction: “The diplomatic agent shall enjoy immunity from the criminal jurisdiction of the receiving State.” Notably, this provision contains no exceptions; immunity remains in effect regardless of the seriousness of the offense, during and even after the performance of official duties, and continues even after the diplomat’s death, as investigations into the circumstances of their death cannot proceed without lifting immunity.

Criminal immunity is thus considered part of public order in contemporary international law. Courts may not contravene it, nor may a diplomatic agent waive it, as it is the right of the sending state, not a personal right. Therefore, if a criminal case is filed against a foreign diplomatic envoy accredited to a state, the courts must recognize their lack of jurisdiction once the envoy’s status is established.

Professor Abdul Fattah Al-Saifi notes that criminal law does not address diplomats, neither in terms of duties nor penalties, so their immunity is legislative rather than judicial.

With increasing abuse of immunity, questions have arisen regarding absolute criminal protection. Some scholars argue that a state may, based on its legitimate right of self-defense, arrest a diplomatic envoy if necessary to avert danger, and then hand them over to their own state for prosecution. However, this does not violate diplomatic immunity, which remains the right of the state, not the individual. The Vienna Convention clearly establishes absolute criminal immunity, taking into account functional considerations and the protection of international relations and global stability.

Part Two: Reassessing the Scope of Diplomatic Immunity in Light of Contemporary International Developments

Diplomatic immunity is one of the oldest and most important rules in public international law. It is not a personal privilege granted to the diplomat but a functional necessity enabling them to perform their duties freely and independently in the host state. To achieve this, the 1961 Vienna Convention establishes a comprehensive framework encompassing two integrated dimensions: personal scope and functional scope.

The personal scope defines which individuals enjoy immunity, from the head of the diplomatic mission and members of the diplomatic corps to those with lesser immunity, such as administrative and technical staff. The functional (or official) scope defines the types of

immunities and privileges granted, including immunity from criminal and civil jurisdiction, immunity of the mission premises and property, and financial and customs exemptions. This section analyzes both dimensions to clarify the limits and application of diplomatic immunity.

Branch One: Determining the Personal Scope of Diplomatic Immunity under the 1961 Vienna Convention

Diplomatic immunity in its personal aspect has two components. The first concerns preventing any assault on the diplomat or violation of their residence, especially if committed by a state official, potentially leading to dismissal and a formal apology to the sending state, or compensation if the apology is insufficient.

The second component involves protection from assaults by private individuals through strict penal laws that ensure appropriate deterrence. The basic principle is that the envoy is protected, and the nature of diplomatic representation defines those entitled to immunity. The number of individuals enjoying immunity is agreed upon between the sending and host states, covering the following categories:

1. Members of the Special (Temporary) Diplomatic Mission

A diplomat is responsible for implementing the state's foreign policy in relations with other states. This includes the head of state and government members, particularly when performing tasks within special missions.

a. Head of State as the Highest Diplomatic Authority in the International System

The head of state represents their country in foreign relations, undertakes the highest diplomatic duties, including representation at international conferences without credentials, appointing representatives abroad, accepting foreign representatives' credentials, and signing international treaties.

Nationally, heads of state enjoy judicial immunity under domestic law during their term. Internationally, the principle of equality of states requires equal treatment of all heads of state regardless of titles (king, emperor, president, prince, etc.), making them the highest-ranking diplomat in their country.

Due to this high diplomatic status, the head of state enjoys full diplomatic immunities and privileges and is not subject to the jurisdiction of the host state, whether civil or criminal. This immunity applies even if they enter the host state incognito or under an alias. Article 21 of the 1969 Convention on Special Missions confirms that a sending head of state enjoys the same facilities, privileges, and immunities in the host state as other heads of state on official visits, indicating that this privilege is linked to official visits.

b. Government Members Performing Diplomatic Tasks

The role of the prime minister or head of government has recently evolved to increasingly undertake diplomatic duties. While traditionally linked to the foreign minister, the prime minister now participates in foreign affairs management, attends major international meetings, and supervises the foreign ministry.

Although this role has expanded, the legal status of the prime minister abroad is not entirely clear in international doctrine, implying they may be treated as ordinary foreign citizens. However, due to the nature of their official duties, special protection is required, prohibiting arrest or prosecution in the host state.

Like the head of state, the foreign minister manages international relations and serves as a bridge between their country and the world. The 1969 Convention on Special Missions explicitly recognizes immunity for the prime minister, foreign minister, and senior political and military figures when leading a special mission representing their state. Paragraph 2 of Article 21 provides that they enjoy in the host state all facilities, privileges, and immunities recognized by international law.

2. Members of the Permanent Diplomatic Mission

Heads of state and government cannot conduct international relations directly; they act through representatives known as diplomatic envoys. According to doctrine, these are individuals representing their state permanently abroad in all matters concerning international relations with other states and international organizations. The members of the diplomatic mission are addressed as follows:

a. Head of the Diplomatic Mission

Article 1 of the Vienna Convention defines them as “the person entrusted by the sending state to act in this capacity,” with the following conditions:

- The sending state grants them diplomatic status, and the state has full discretion in doing so.
- The receiving state accepts them as head; if refused, the sending state has no objection.
- They present credentials to the host state’s foreign ministry.

Article 14 of the Convention classifies heads of diplomatic missions into three levels:

i. Ambassador: The highest rank within the diplomatic mission, accredited directly to the head of the receiving state, entitled to contact them and request meetings when necessary, enjoying the highest degree of honor and precedence.

B- Envoy Minister: Also called the extraordinary delegate, ranking second after the ambassador. The mission headed by him is referred to as a "commission."

C- Resident Minister: The one who represents his state on a permanent basis.

D- Chargé d’Affaires: This is the lowest rank among heads of diplomatic missions. A state sends a chargé d’affaires to represent it when relations between the two countries become strained, as was the case in the recent political crisis between Algeria and France, where Algeria reduced its diplomatic representation to the rank of chargé d’affaires instead of ambassador.

E- Vatican Representative: He has several roles, including papal agent or deputy, papal ambassador, or apostolic nuncio.

2- Diplomatic Staff:

The Vienna Convention on Diplomatic Relations did not specify ranks for diplomatic staff enjoying diplomatic status, leaving it to each state’s domestic laws as an internal matter. The Vienna Convention set two conditions for enjoying diplomatic status:

- The diplomatic staff must hold the nationality of the state of the diplomatic mission. If he is a citizen of another state, he may only serve in the mission with the receiving state's consent, which may be withdrawn at any time.
- The receiving state must be notified of the appointment of the diplomatic staff to the mission and the date of commencement of their duties.

In most countries, a hierarchy of diplomatic ranks is usually established as follows:

- Counselor
- Secretary
- Attachés
- Family of the diplomatic envoy
- Administrative and technical members of the mission
- Mission employees
- Personal servants

Accordingly, it can be said that the **personal immunity of the diplomatic representative** constitutes one of the main pillars ensuring their independence and the effectiveness of their duties. It is a means to protect the diplomatic function, not the person per se, achieving a balance between the host state's sovereignty and respect for international law.

Section Two: Defining the Subjective Scope of Diplomatic Immunity in Light of the 1961 Vienna Convention

Diplomatic immunity does not only define who enjoys it but also specifies the privileges and immunities it encompasses. This is known as the functional or subjective scope of immunity, representing the practical aspect that ensures the diplomatic envoy can perform their duties effectively. This scope covers a wide range of immunities, from judicial immunity (criminal and civil) to immunity of the mission premises and its documents, in addition to financial and tax exemptions.

1- Judicial Immunity (Criminal and Civil)

Diplomatic immunity exempts the envoy from the jurisdiction of the host state throughout their tenure. Although this exemption covers all their acts, it does not release them from respecting the host state's laws and regulations. The envoy must comply with the host state's restrictions to preserve its security and safety. If they violate the law, the host state cannot prosecute them but may file a formal complaint with their home country, which assumes responsibility for punishing or recalling them, potentially declaring them *persona non grata*. Immunity covers criminal, civil, and administrative jurisdiction.

In this sense, a diplomatic envoy is not subject to the host state's criminal jurisdiction. Legal scholars note that breaching international law by a diplomat does not entitle the government to follow suit. Immunity is linked to the envoy's state sovereignty and independence in performing their duties.

International custom has established that an envoy is not subject to civil or administrative jurisdiction in the host state, as their residence is temporary and their duties require

maintaining independence and representative status. The Vienna Convention, in Articles 31 and 32, confirms this and sets three exceptions:

- Inheritance and succession claims where the envoy is executor, administrator, heir, or legatee in a personal capacity.
- Claims arising from private civil or commercial activities outside official duties.
- Claims brought by the envoy themselves or directly related to them.

Paragraph 4 of Article 32 specifies that waiver does not include enforcing judgments, which requires a separate waiver submitted by the envoy to relevant authorities.

2- Personal Inviolability of the Envoy

The inviolability of the diplomatic envoy is one of the oldest and most important rules in international diplomatic law. It forms a cornerstone in the system of immunities and privileges, serving as a functional principle necessary to ensure they can perform their duties freely and independently, without threats or pressure from host state authorities.

3- Inviolability of the Diplomatic Residence

The residence enjoys absolute immunity. While the Vienna Convention linked this to the mission's premises (considering the residence part of it), it provided a separate provision because the envoy may reside outside the mission, and the residence's immunity derives from the envoy's personal inviolability.

4- Inviolability of the Envoy's Property

This covers all movable property such as vehicles, personal funds, family possessions, allowances for personal use, and the envoy's documents and correspondence. Seizure or enforcement is prohibited except in exceptional cases under civil jurisdiction according to Article 31 of the Vienna Convention. The envoy may only waive immunity with their home state's consent, as it is granted to the state, not the person.

5- Immunity of Mission Premises and Its Archives

The last paragraph of Article 1 of the 1961 Vienna Convention defines the mission premises as buildings where the mission carries out its work, retains private documents, and communicates with host state officials, foreign missions, or its government. Host state authorities may not enter without the head's permission except in extreme emergencies, such as fire, crime, or threats to state security.

The mission's archives and documents also enjoy special inviolability and must not be interfered with or disclosed. Although this is part of the premises' immunity, their inviolability is independent, as confirmed in Article 24 of the 1961 Vienna Convention.

6- Financial and Tax Exemptions

The diplomatic envoy is exempt from all fees and taxes, personal, in-kind, national, regional, or municipal, except for:

- Indirect taxes on goods and services.
- Taxes related to private real estate, inheritance, or personal income.
- Registration, notarization, mortgage, stamps, and judicial fees.
- Charges for specific services actually provided.

The envoy is also exempt from public service obligations or military duties, as well as customs duties and taxes on materials for official or personal use by the head of the mission and their family, except for storage, transport, and similar costs.

Thus, the **scope of functional immunity** is closely linked to the diplomatic function, covering only official acts and ending when actions are personal or unrelated to diplomatic duties.

Chapter Two: The Debate on Balancing Diplomatic Independence and Legal Accountability

After reviewing the legal foundations and broad scope of diplomatic immunity according to international custom and the 1961 Vienna Convention, a crucial question arises regarding the absoluteness of this immunity, especially given the increase in serious crimes. While immunity ensures the envoy's freedom to perform duties, it raises debate on whether it can shield them from justice, particularly when committing severe criminal acts contrary to international law principles.

This tension between functional privilege and criminal accountability poses a significant ethical and legal challenge in international law. Contemporary scholarship no longer accepts that a perpetrator of serious crime should remain beyond punishment solely due to diplomatic status.

This chapter aims to examine this debate by reviewing restrictions and exceptions imposed by serious crimes on immunity, analyzing mechanisms to lift immunity, and holding the diplomatic envoy accountable, aiming for a balance between protecting missions and preventing impunity for serious crimes.

Section One: Exceptions and Restrictions on Diplomatic Immunity

Serious or "grave" crimes are those affecting external state security (targeting sovereignty, territorial integrity) or internal state security (aimed at government and its authorities).

Crimes against the state as a subject of international law are considered threats to external security, while crimes against the state as a subject of domestic law threaten internal security.

The 1961 Vienna Convention contains explicit provisions for cases where the envoy exceeds immunity to commit acts that render them *persona non grata*. Other unconventional exceptions have emerged in practice: although serious international crimes are not explicitly excluded in the Vienna Convention, international criminal law has evolved to prioritize accountability over diplomatic privilege for crimes affecting international peace and security.

Branch One: Traditional Exceptions and Restrictions According to the 1961 Vienna Convention

The Vienna Convention specifies situations where a diplomatic envoy exceeds their functions, particularly when committing acts threatening host state security or public order, allowing the host state to declare them *persona non grata* and take measures for their departure. Examples include:

1- Diplomatic Espionage

Definitions vary, but espionage can be defined as: *any act by a foreign individual that violates rules protecting state secrets related to national defense.*

Espionage is closely tied to diplomatic immunity. While most states view diplomats' information gathering as illegal espionage, some consider it legitimate when conducted openly in official capacity. Diplomatic immunity facilitates espionage by providing personal and legal inviolability, protecting documents and diplomatic bags, and easing transfer of sensitive materials. Historical cases include the UK expelling 105 Soviet diplomats in 1951 and France expelling a Polish diplomat the same year.

2- Acts of Terrorism

Despite the lack of a unified definition internationally, terrorism involves serious violence by individuals or groups targeting persons, organizations, or civilian and government sites, including transport and communications, aiming to destabilize international relations or extract concessions. Examples include targeted assassinations of political opponents, such as two Iraqi diplomats assassinating opposition figures in Beirut in 1994.

3- Interference in Host State Internal Affairs

Article 41 of the Vienna Convention obliges diplomats to respect host state laws and abstain from internal interference. Intervening in politics, society, economy, or governance constitutes a breach, as seen in the 1987 case of the French ambassador to England conspiring against Queen Elizabeth, and in 1918 when the Spanish ambassador in Venice conspired to burn the city and overthrow its government.

Public statements hostile to the host state also constitute improper interference. Diplomats must exercise caution, ensuring their words or actions do not threaten the host state's security or criticize its policies. An example is the US ambassador to London in October 1958 publicly opposing China's UN membership, offending Britain.

Thus, diplomats generally enjoy absolute immunity from host state jurisdiction, even for serious crimes, unless their behavior poses an actual threat to state security. Such crimes may override diplomatic considerations, as described by Professor Mohamed Al-Fadel as inciting "*disgust, resentment, contempt, and demanding punitive action.*"

Branch Two: Evolution of International Practice – Towards Limiting Immunity in International Crimes

Although the 1961 Vienna Convention does not explicitly exclude serious international crimes from diplomatic immunity, international criminal law evolution, especially post-1998 Rome Statute establishing the International Criminal Court (ICC), trends toward limiting traditional immunities for crimes threatening international peace and security, including crimes against humanity, genocide, and war crimes. Articles 27 and 98 of the ICC Statute affirm that official capacity or immunity does not shield individuals from criminal responsibility, marking a fundamental shift balancing diplomatic privileges with accountability for grave international crimes.

From our point of view, we see that all opinions agree that the judicial immunity of the diplomatic envoy is an essential necessity to ensure the proper conduct of international

relations, allowing the diplomatic envoy to perform their duties effectively and realistically. However, absolute immunity cannot be granted, as it conflicts with practical reality and the principles of justice. International practice has shown that states effectively bypass this immunity when a diplomat commits acts that threaten their national security. On this basis, the optimal solution is to abandon the theoretical concept of absolute immunity and adopt restricted immunity, which explicitly recognizes the host state's right to exercise its judicial authority over the envoy in the case of serious (grave) crimes. To ensure that the perpetrator does not escape punishment, the international community must develop more effective mechanisms to guarantee the trial of the envoy in their own country, making the diplomat accountable for their actions without compromising the functional foundations necessary for immunity.

Section Two: Mechanisms for Lifting Immunity and Referring the Diplomatic Representative to Legal Accountability

A diplomatic envoy is subject to the courts of the host state if their home state waives their immunity, or to the courts of their own state if that state maintains their immunity. The host state may resort to peaceful means, and if no waiver is obtained and the envoy's home state does not hold them accountable, there are diplomatic means available to the concerned parties to claim compensation for damages resulting from the actions of the diplomatic envoy.

Branch One: Subjection of the Diplomatic Representative to the Courts of the Host State

A diplomatic envoy is subject to the courts of the host state in two cases: the first relates to the waiver of immunity by the envoy's own state, and the second relates to the envoy themselves resorting to the courts of the host state. These two cases are addressed as follows:

Case One: Waiver of Judicial Immunity

According to the first paragraph of Article 32 of the Vienna Convention on Diplomatic Relations, the sending state may explicitly waive the judicial immunity of its diplomatic envoy. This waiver must be clear and explicit; it cannot be implied. Waiving immunity from jurisdiction does not necessarily mean waiving immunity from enforcement of a judgment unless explicitly stated by the state.

The remaining question is whether a diplomatic envoy, as the representative of their state in the host country, has the right to waive their judicial immunity. Some international scholars argue that the head of state may directly waive their own immunity, thereby submitting themselves to the authority of a foreign state and relinquishing their status. Regarding diplomatic envoys, other scholars argue that a distinction should be made between the head of mission and other mission members: the home government must approve the waiver for the head of mission, while the head of mission must approve waivers for other mission members. The Vienna Convention of 1961 resolved this debate, stipulating that the waiver must come from the state, not the head of mission, without distinction between the head of mission and other members.

Case Two: Resorting to the Courts of the Host State

A diplomatic envoy may resort to the courts of the host state to bring legal proceedings to protect their person and property. Resorting to the host state's courts implies acknowledgment of the fairness of its judiciary and voluntary submission to its authority, which subjects them to the jurisdiction of those courts regarding the counterclaim. This may expose the envoy to disciplinary responsibility by their home state, and often they attempt to resolve the matter through agreement with the other party.

Branch Two: Filing a Case in the Courts of the Sending State

Most international and diplomatic law scholars agree that legal proceedings may be brought against a diplomatic envoy in the courts of their home state for acts criminalized in the host state, as they do not enjoy any enforcement immunity that would prevent the execution of criminal judgments against them in their home country. This is confirmed by Article 19 of the 1928 Havana Convention, which states: "Diplomatic officers may be sued or prosecuted only by their own state."

However, implementing this procedure faces practical difficulties, notably the slow judicial process, weak effectiveness, and challenges in ensuring results, in addition to difficulty determining the envoy's residence after the end of their mission. Nonetheless, the Vienna Convention of 1961 implicitly indicates that the capital of the sending state is considered the envoy's residence, theoretically allowing prosecution before its national courts.

International practice has shown that this solution remains limited in effectiveness because it depends on the willingness of the relevant state and its readiness to hold its representatives accountable. Therefore, the efficiency of the diplomatic system in this area relies on a delicate balance between the principle of immunity and the principle of preventing impunity.

Conclusion

In conclusion, this study focused on the core contradiction between the criminal immunity of the diplomatic envoy and the necessity of ensuring justice. It concluded that immunity is not merely a personal privilege that prevents accountability; rather, it is a functional tool essential for maintaining the stability of international relations.

International scholarship and jurisprudence agree on the need to abandon the theoretical concept of absolute immunity and move towards a balanced form that explicitly recognizes the host state's right to take effective measures against serious crimes. Accordingly, strengthening accountability mechanisms, whether through the waiver of immunity by the sending state or by prosecuting the envoy in their own country, is the way to achieve a balance between protecting diplomatic privileges and ensuring that perpetrators of serious crimes do not escape punishment.

Based on this, the study reached several conclusions and formulated a number of recommendations summarized as follows:

First: There is no doubt that diplomatic immunity is a firmly established principle in international law, codified primarily in the 1961 Vienna Convention, which grants envoys absolute criminal immunity in principle, providing full protection from the jurisdiction of the

host state. This immunity is not a personal privilege but a functional necessity, enabling the diplomatic mission to perform its duties freely and independently.

Second: Despite the theoretical and principled absoluteness of immunity, practical reality and international practices have shown that it is not limitless, especially in the face of serious crimes. International texts recognize that acts such as espionage, terrorist acts, genocide, crimes against humanity, acts of aggression, and interference in internal affairs place the host state in a critical position, obliging it to take measures to protect its national security.

Third: The available mechanisms for holding a diplomatic envoy accountable largely depend on the will of the sending state. Waiving judicial immunity is the only way to prosecute the diplomat in the host state's courts. If the sending state refuses, the most common solution is declaring the envoy a "persona non grata," leading to the termination of their mission and return to their country, where they may face prosecution in their home state's courts.

Based on these findings, the study offers the following recommendations:

First: The international community should seriously consider and seek to amend certain provisions in relevant international conventions, particularly the 1961 Vienna Convention, or adopt additional protocols that strengthen the restriction of criminal immunity for diplomatic envoys in cases of serious international crimes, such as crimes against humanity or terrorism, ensuring that perpetrators do not escape punishment.

Second: Mechanisms for accountability and judicial cooperation between states should be strengthened to ensure the prosecution of a diplomatic envoy in their home country when committing a crime abroad, through the exchange of information and necessary evidence.

Third: States must assume full responsibility for holding their envoys accountable when they abuse their immunity and must take strict disciplinary or judicial measures against them, reinforcing the principle that immunity does not mean impunity.

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