

COMMITTEE: Legal

TOPIC: Reconsidering the limitations to the immunities of political leaders and diplomats

STUDENT OFFICER: Irida Eleni Kapatai

POSITION: President

Table of Contents

Personal Introduction.....	1
General Introduction.....	2
Definition of Keywords.....	3
General Overview.....	4
Concerned countries and organizations.....	9
UN involvement.....	14
Latest Developments.....	16
Previous Attempts to Solve the Issue.....	16
Possible Solutions.....	17
Bibliography.....	18

Personal Introduction

Dear Delegates,

My name is Irida Eleni Kapatai, and I am a 17-year-old student in the French Section of the Lycée Franco-Hellénique Eugène Delacroix. I am deeply honored to serve as your president for this year's MUN. It is a privilege to have the opportunity to collaborate with you over the next three days, and I look forward to guiding you all through engaging and meaningful debates

Along with my co-chair, Matthaïos Giannaros, we hope to assist you in understanding the topic and guiding you through your debates.

Dear Delegates, I want you to know that you are very lucky to have been given the opportunity to participate in such a unique experience. I hope that this study guide will help you get a clear understanding of the topic: “Reconsidering the limitations to the immunities of political leaders and diplomats”.

This topic is particularly interesting as it raises the debate on whether political leaders and diplomats should be held accountable for crimes such as corruption, human rights violations, and war crimes. The subject is particularly important because it directly impacts global justice, accountability, and the balance between diplomatic protections and the rule of law.

General Introduction

The concept of diplomatic immunity is an ancient idea that can be traced back to early civilizations. In ancient times, ambassadors faced brutal reprisals if they brought the ruler of the country bad news. Later, the idea that envoys needed special protection emerged. The Indians were one of the first civilizations to come up with the concept of diplomatic immunity as ancient Hindu epics refer to messengers being protected from capital punishment.

Similarly, Homeric poetry suggests that the city-states of ancient Greece developed their own form of diplomatic immunity where envoys stood under the protection of Hermes the patron-God of messengers. Harming them or stopping them from delivering their message was both a dishonorable act of war and a religious affront.

The law of diplomatic immunity was significantly developed by the Romans. Under Roman law, ambassadors were guaranteed protection, even after the outbreak of war.

Furthermore, the first attempt to codify diplomatic immunities was outlined in the Regulation of Vienna in 1815. This regulation is still in effect and was established at the Vienna Convention in 1961.

The Vienna Convention on Diplomatic Relations adopted on April 18, 1961, in Vienna is an international treaty aiming to codify and clarify the rules and customs of diplomatic missions, as well as the principles governing diplomatic relations between states.

Diplomats face a range of dangers while fulfilling their duties abroad, such as physical threats and violence, hostage situations and cybersecurity threats.

Today, diplomatic immunity protects foreign diplomats from prosecution in their host countries. While this principle is intended to facilitate international

relations, it has long been a controversial issue in international law as it can be seen as an obstacle to human rights because it may allow diplomats to evade accountability for crimes committed during their stay.

The topic is particularly important today as this immunity has been misused, leading to serious legal and ethical concerns. For example, between 2019 and 2022, 15 serious crimes were committed by people entitled to diplomatic immunity in the UK. These included alleged sexual assault, common assault, domestic servitude and driving under the influence of alcohol. Notably, foreign diplomats and family members living in South Korea have committed 70 crimes such as driving under the influence of alcohol and theft in the past five years while 98.5% of them enjoyed diplomatic immunity and avoided criminal punishment. Such cases highlight the need for a reassessment of the privileges granted to diplomats and their families. This misuse of diplomatic immunity further demonstrates how crucial the United Nation's intervention is.

Definition of Keywords:

Diplomacy: The process of managing relations between states by peaceful means and through their accredited diplomatic agents

Diplomatic immunity: The protection given to ambassadors and agents of a foreign government.

Human rights law: Customs, rules or practices that address the fundamental rights and freedoms of individuals. Human rights law can take many different forms, including international law.

International law: The collection of rules, norms, and standards that apply between sovereign states and other entities that are legally recognized as international actors, these nations accept these norms considering their interactions with one another

Persona non grata: in Latin: an unacceptable or unwelcome person. Now used to designate a diplomat who is no longer welcome to the government to which he is accredited.

Rule of law: political and legal ideal defining that all people and institutions within a country, state, or community are accountable to the same laws, including lawmakers, government officials, and judges.

Human Rights Watch: international non-governmental organization that conducts research and advocacy on human rights. The group investigates and reports on issues including war crimes, crimes against humanity, child labor, torture, human trafficking, and women's rights. It pressures governments, policymakers, companies, and individual abusers to respect human rights, and frequently works on behalf of refugees, children, migrants, and political prisoners.

Amnesty International: global movement of more than 10 million people who are committed to creating a future where human rights are enjoyed by everyone.

International Residual Mechanism for Criminal Tribunals: international court established by the United Nations Security Council in 2010 to perform the remaining functions of the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR).

International Criminal Court (ICC): A permanent international court established to prosecute individuals for genocide, crimes against humanity, war crimes, and the crime of aggression.

General Overview:

Diplomatic Immunity: A Shield for Diplomats or a Barrier to Justice?

Causes for reconsidering the limitations to the immunities of political leaders and diplomats

- **Abuse of Diplomatic Immunity**

Diplomatic immunity was initially established to protect foreign diplomats from prosecution in their host countries. While this principle is intended to facilitate international relations, it has long been a controversial issue in international law as it can be seen as an obstacle to human rights because it may allow diplomats to evade accountability for crimes committed during their stay. However, this immunity has often been exploited by political leaders and diplomats who commit serious offenses, such as corruption, human rights abuses, or even violent crimes, without facing legal consequences. For example, in 2015, the UK Foreign Secretary published a list of 15 'serious and significant offences' committed in the UK by individuals with diplomatic immunity. These offenses included serious crimes such as sexual assault.

- **Accountability for Human Rights Violations**

The traditional notion of immunity has been challenged, especially when political leaders are accused of committing grave human rights violations, such as war crimes or genocide. For example, the former president of Sudan, Omar al-Bashir was indicted by the International Criminal Court (ICC) in 2009 for war crimes and crimes against humanity related to the Darfur conflict. Despite the charges, al-Bashir continued to travel internationally, using diplomatic immunity to avoid arrest.

- **Insufficient International Codification**

While the 1961 Vienna Convention on Diplomatic Relations provides a framework, its implementation varies among nations, leading to inconsistent applications of immunity.

Example: The Rome Statute of the International Criminal Court (1998) establishes that heads of state and other officials may be prosecuted for serious international crimes, even if they enjoy immunity under national law.

Pressure from Civil Society and Advocacy Groups

Human rights groups have pushed for reforms, arguing that immunity should not protect leaders who commit atrocities. Groups like Human Rights Watch and Amnesty International have raised awareness of the need to hold political leaders accountable, particularly in cases where immunity is used to escape justice for war crimes or other violations

Consequences

- **Undermining the Rule of Law**

The misuse of diplomatic immunity undermines the integrity of the legal system, both at the national and international levels. When political leaders or diplomats can evade legal consequences for their actions, it erodes the trust in legal institutions. This creates a situation where justice becomes selectively applied, particularly for those in positions of power, which can weaken democratic institutions and accountability.

- **Erosion of Public Trust in International Relations**

When diplomatic immunity is misused to shield political leaders or diplomats from prosecution, it damages the reputation of international diplomacy itself. Citizens and foreign governments may lose faith in the diplomatic system, believing that those in power are above the law. This can lead to strained diplomatic relations between countries and hinder international cooperation.

- **Impunity for Serious Crimes**

One of the most damaging consequences of the misuse of diplomatic immunity is that it allows individuals to avoid accountability for serious crimes, such as corruption, human rights violations, and war crimes. This impunity not only harms the victims of such crimes but also sends a dangerous message, that individuals in positions of power are immune to the consequences of their actions, further entrenching a culture of corruption and unethical behavior. The Rwandan Genocide (1994) further demonstrates that the lack of international accountability for some leaders allows atrocities to continue. Félicien Kabuga, a genocide suspect, used connections and influence to

evade justice for years, only to be arrested later by the International Residual Mechanism for Criminal Tribunals in 2020.

- **Potential for Political Instability**

The misuse of immunity can also contribute to political instability. When political leaders or diplomats use immunity to shield themselves from legal consequences, it may provoke public outrage and unrest. In extreme cases, this can lead to protests, political crises, or diplomatic conflicts between states, as citizens and governments demand justice and accountability.

A notable example is the case of Ferdinand Marcos, the former president of the Philippines. During his reign from 1965 to 1986, Marcos used his immunity from prosecution to amass billions of dollars through corruption while maintaining tight control over the military and political institutions. He was able to suppress opposition, curtail democratic freedoms, and avoid accountability for widespread human rights violations, including the imprisonment, torture, and killing of political opponents. His immunity became a source of significant unrest as the corruption and Human Rights abuses became increasingly apparent, public discontent grew. In the 1980s, the People Power Revolution emerged as a massive movement to oust Marcos from power. The protests were sparked in part by the realization that the leader, shielded by his immunity, was using state resources for personal gain, while the population suffered. This led to a political crisis in the Philippines, with Marcos fleeing the country in 1986, which also caused tension between the Philippines and the United States, as the U.S. had provided Marcos with military and political support.

Protection of Democratic Functions

In September 2019, Ukraine's parliament abolished immunity for its lawmakers thus ending a long-standing protection under Article 80 of their Constitution. The move aimed to enhance accountability, but experts warned it could expose members of parliament to politically motivated prosecutions, thereby weakening parliamentary independence and undermining democratic stability. Immunity in such contexts is not about shielding individuals but about safeguarding the functioning of legislatures against undue executive pressure .

Strengthening Separation of Powers

Under Article 67 of the French Constitution (1958), the President is immune from civil, criminal, or administrative prosecution during their term. This immunity is temporary as it ends one month after leaving office, except in cases of high treason adjudicated by the High Court. Insight: This constitutional safeguard ensures the judiciary cannot

disrupt executive duties during a presidency, while preserving accountability after the term ends.

Safeguarding Opposition and Minority Voices

In May–June 2016, Turkey’s parliament passed and President Erdogan ratified a constitutional amendment to lift the immunity of 138 members of parliament,, largely targeting the pro-Kurdish HDP and other opposition members. Critics, including bodies like the Council of Europe, warned that this mass lifting:

- Bypassed regular procedural protections,
- Resulted in widespread detentions of opposition members of parliament
- Had a chilling effect on political speech and minority representation

Considering the above, immunity is crucial to ensure that minority and opposition voices are not silenced through politically motivated judicial action.

Encouragement of Open Political Debate

This foundational international treaty codifies diplomatic immunity, allowing diplomats to perform their functions like negotiating and communicating without fear of coercion or arrest by the host state. Without such protections, sensitive international negotiations like peace resolutions or climate agreements would likely falter due to legal risks facing diplomatic envoys.

Case Study: The 2017 Turkish Embassy Incident in Washington, D.C.

Article by “The Atlantic” - 13th January 2019:

[Trump Stands by While Erdogan Orders Attack on Protesters - The Atlantic](#)

In May 2017, an alarming event unfolded right in the heart of Washington, D.C., highlighting the complicated issue of diplomatic immunity. During Turkish President Recep Tayyip Erdogan’s official visit to the United States of America, a group of protesters gathered outside the Turkish ambassador’s residence to demonstrate against his government’s policies, especially its treatment of Kurdish populations.

What happened next drew intense criticism. Members of Erdogan’s personal security detail, along with some of his supporters, violently attacked the protesters. Caught on video, the footage shows the security guards charging into the crowd, punching, kicking, and knocking people to the ground. Even

more shocking, Erdogan himself was seen watching the brawl from a distance, standing next to a black Mercedes.

At least nine people were injured, including women and elderly men. The brutality of the incident shocked many Americans and triggered an immediate diplomatic backlash.

Despite clear video evidence and eyewitness accounts, bringing the perpetrators to justice proved extremely difficult. Many of Erdogan's security personnel quickly left the United States with him, effectively placing them out of reach of U.S. authorities. Arrest warrants were issued for about a dozen members of the Turkish security team, but without extradition and due to the protections of diplomatic immunity, most of them faced no real consequences.

The U.S. House of Representatives unanimously passed a resolution condemning the violence and calling for accountability. Prominent lawmakers from both political parties, including Senators John McCain and Lindsey Graham, publicly criticized Turkey's actions. They also raised concerns about whether diplomatic immunity was being abused to shield individuals who had committed violent acts on U.S. soil.

The Turkish government, for its part, defended the security guards, arguing they were acting in self-defense against "terrorist" protesters — a claim that U.S. officials and independent observers dismissed.

This case exposed a serious flaw in the international system: while diplomatic immunity is meant to protect the functioning of diplomacy, it can also be misused to evade accountability for serious crimes. When violence against civilians goes unpunished simply because it is carried out by someone with a diplomatic passport or working for a foreign government, it undermines both the rule of law and public trust.

Ultimately, the 2017 Turkish Embassy incident reignited debates around whether diplomatic immunity should have stricter limits; especially when it comes to violent crimes. Many legal scholars and politicians have since argued that there must be mechanisms to revoke immunity when officials abuse it in such extreme ways, to ensure that justice can still be served.

Case Study: Omar al-Bashir

Article by "The Time" - 15th June 2015

<https://time.com/3921848/omar-al-bashir-sudan-south-africa/>

One of the most notorious and controversial cases that highlight the tension between diplomatic immunity and accountability for crimes is that of Sudan's former president, Omar al-Bashir. Al-Bashir's story is a powerful example of how immunity can be used to avoid facing charges for some of the most horrific crimes in modern history.

In 2009, the International Criminal Court (ICC) issued its first-ever arrest warrant for a sitting head of state: Omar al-Bashir. The charges against him

were nothing short of catastrophic. Al-Bashir was accused of committing war crimes, crimes against humanity, and even genocide in the Darfur region of Sudan. The conflict in Darfur, which started in 2003, resulted in hundreds of thousands of deaths, and millions of people were displaced due to violence perpetrated by government-backed militias. These were brutal acts of state-sponsored violence, and the international community was determined that those responsible should face justice.

The ICC's intervention was a landmark moment in international law, but it set up a serious clash with the concept of diplomatic immunity. As a sitting head of state, al-Bashir argued that he was immune from prosecution. This presented a serious challenge for global justice because, in theory, heads of state should be protected from prosecution while in office to maintain the smooth functioning of diplomacy and international relations.

Despite the gravity of the charges, al-Bashir managed to continue his presidency and even travel abroad without fear of arrest. Over the years, he made multiple visits to countries that had ratified the Rome Statute — the international treaty that established the ICC — meaning they were legally bound to cooperate with the court. However, al-Bashir's diplomatic immunity allowed him to avoid arrest every time he left Sudan.

The case came to a dramatic head in 2015 when al-Bashir attended an African Union summit in Johannesburg, South Africa. The South African government had signed the Rome Statute and was obligated to arrest anyone facing an ICC warrant. But despite this, al-Bashir was allowed to attend the summit and, even after a South African court ordered his arrest, he was permitted to leave the country freely and return to Sudan.

This caused a massive uproar. South African courts had ruled that they were required to arrest al-Bashir under international law, but their government allowed him to leave the country anyway. The situation was particularly tense because South Africa was a member of the ICC and had agreed to cooperate with the court. By defying this order, South Africa openly flouted the ICC's jurisdiction, and many saw it as an act of defiance not just toward the court but toward international justice itself.

In response, the ICC criticized South Africa, claiming that the country had violated its international obligations. The court also warned that such behavior set a dangerous precedent — one in which political leaders could use their diplomatic status to escape serious charges without consequence. South Africa defended its actions, arguing that sitting heads of state were immune from arrest under customary international law. They also claimed that arresting al-Bashir could have severe diplomatic and political repercussions, particularly given Sudan's status as a powerful African nation.

The al-Bashir case forced the international community to wrestle with a fundamental question: should a sitting president, regardless of the severity of their alleged crimes, be allowed to evade arrest because of diplomatic

immunity? Can the need for international diplomacy and stability ever truly justify allowing a leader to escape justice?

Critics of diplomatic immunity, particularly in cases involving serious crimes like genocide, argue that this system perpetuates impunity. After all, if immunity protects leaders from prosecution, it effectively allows them to act with impunity, committing atrocities without fear of facing the consequences. Legal experts have pointed out that the purpose of immunity was to facilitate diplomacy and prevent international relations from being disrupted by lawsuits or arrests. However, this principle begins to break down when the immunity is used to shield leaders who are accused of crimes that shock the conscience of humanity.

Al-Bashir's ability to evade accountability has become a symbol of how political immunity can sometimes clash with the global push for justice. Over time, more and more voices have called for a reform of the diplomatic immunity system — or at the very least, a clearer distinction between the protections offered to diplomats and the impunity granted to individuals accused of the most heinous crimes.

This debate continues to evolve. In 2019, al-Bashir was ousted from power in Sudan following months of protests against his regime. After his removal, Sudan's transitional government agreed to hand him over to the ICC to face trial. But the case still lingers as a reminder that while immunity may serve its purpose in maintaining diplomatic relations, it can also protect the very people who have committed some of the world's most brutal acts.

Ultimately, the case of Omar al-Bashir has shown the world that diplomatic immunity is not a one-size-fits-all solution. When it comes to crimes as serious as genocide, many believe that immunity should not be a shield that allows leaders to evade justice, and that international law needs to be more flexible to address these rare but crucial situations.

Concerned Countries and Organizations: Reconsidering the Limitations of Immunity for Political Leaders and Diplomats

Concerned countries and organizations

Countries

United States: The U.S. has consistently supported diplomatic immunity as outlined in the Vienna Convention on Diplomatic Relations but has faced calls to reconsider this stance in light of diplomatic scandals and abuses of immunity. The 2018 case involving the wife of a U.S. diplomat in the UK, who was involved in a fatal car crash and fled the country, reignited debates over whether diplomats should enjoy immunity for actions unrelated to their official

duties. The public outcry over this case prompted discussions on refining diplomatic immunity laws.

China: China has been criticized for its application of diplomatic immunity, especially in cases involving human rights violations or politically motivated actions abroad. China, like many other nations, relies heavily on the principle of immunity, but faces mounting international pressure to limit immunity, particularly in cases where its diplomats have been accused of interference in domestic affairs of other countries, or violations of international human rights law.

Russia: Russia has been involved in several high-profile cases testing the limits of diplomatic immunity, most notably following the 2018 poisoning of former Russian spy Sergei Skripal and his daughter in the UK. The UK's accusations against Russia's diplomats led to growing calls for accountability and transparency in the use of diplomatic immunity, particularly for alleged involvement in international crimes such as murder or espionage.

France: France has been a significant player in discussions about the limitations of diplomatic immunity, especially in the context of international human rights and justice. France's legal and diplomatic frameworks generally support immunity for diplomats, but it has also faced pressure to reconsider immunity in cases of serious criminal activity, such as war crimes or corruption, particularly when such offenses undermine international law or security.

Germany: Germany, a key member of the European Union and a proponent of international law, has often questioned the use of diplomatic immunity to shield politicians and diplomats from prosecution for serious crimes. The 2017 case involving a foreign diplomat using immunity to avoid prosecution for financial crimes, including money laundering, led to public debates on the potential need for reform, especially as diplomatic immunity is sometimes viewed as a loophole for the powerful.

United Kingdom: The UK has grappled with several incidents testing the boundaries of diplomatic immunity, including the 2018 case of the U.S. diplomat's wife who killed a teenager in a car crash and fled to the U.S., prompting diplomatic tensions. The UK's response to this and similar cases has sparked renewed calls for diplomatic reform, particularly in cases where immunity appears to be misused in situations unrelated to the diplomat's official role.

India: India is one of the many countries balancing the protections afforded by diplomatic immunity with the growing demand for greater accountability. Indian political leaders and diplomats have enjoyed immunity under international conventions, but recent calls for action against corruption and financial misdeeds committed by politicians and diplomats have led to

increased discussions about limiting immunity in cases involving serious crimes or abuses.

Brazil: Brazil, an important emerging market in Latin America, has faced controversies surrounding political immunity, particularly in the realm of corruption. High-profile cases, such as Operation Car Wash, have brought to light the tension between immunity for political figures and the need for legal accountability. While diplomatic immunity for foreign diplomats is generally respected, Brazilian civil society is increasingly questioning the extent of protections granted to their own leaders involved in criminal activities.

South Africa: South Africa's role in international diplomacy was put to the test in 2015 when it allowed Sudanese President Omar al-Bashir, who was wanted by the International Criminal Court (ICC) for war crimes, to leave the country despite a court order to arrest him. This controversy, and the resulting legal challenges, highlighted the limitations of diplomatic immunity when it involves leaders accused of committing international crimes, sparking a broader conversation on reforming immunity protections.

Mexico: Mexico's stance on diplomatic immunity has traditionally been supportive, in line with the Vienna Convention. However, incidents involving foreign diplomats accused of crimes, such as drug trafficking and corruption, have led to calls for a reconsideration of the limits of immunity, especially as Mexico grapples with the impacts of organized crime and corruption in its political landscape.

Nigeria: Nigeria has faced issues regarding the use of diplomatic immunity to protect political leaders and diplomats from prosecution, particularly in cases involving corruption and financial misconduct. The global fight against corruption has prompted increased scrutiny of immunity laws, and Nigeria, as a key player in African diplomacy, has seen discussions about balancing immunity with justice for its leaders and diplomats accused of illicit activities.

Indonesia: In Indonesia, while diplomatic immunity is largely respected, there have been growing concerns over its use to protect politicians and diplomats involved in corruption and human rights abuses. The Indonesian government, under domestic pressure, has engaged in discussions about whether such immunity should be limited for those involved in activities that contradict international law and human rights standards.

Iran: Iran, which has a long history of shielding its officials through diplomatic immunity, particularly for political leaders involved in controversial actions, faces mounting pressure to reconsider these privileges. International condemnation over Iran's human rights record and its involvement in state-sponsored violence has led to calls for a more transparent and accountable approach to diplomatic immunity, especially for those implicated in violations of international law.

Turkey: Turkey has been involved in several international controversies surrounding the abuse of diplomatic immunity. Issues such as the treatment of protesters by Turkish diplomats abroad and the alleged use of immunity to avoid accountability for human rights violations have raised questions about whether political leaders and diplomats should be exempt from prosecution in serious cases.

Ukraine: Ukraine, particularly amidst its ongoing conflict with Russia, has seen increasing international calls to limit the use of diplomatic immunity, especially when it concerns individuals implicated in war crimes or violations of international law. Ukraine has argued that political leaders and diplomats who are involved in such crimes should be held accountable, regardless of their diplomatic status.

Kenya: Kenya's role in diplomatic immunity discussions has been particularly important in East Africa, where concerns over corruption and political violence among diplomats have brought the issue to the forefront. While Kenya adheres to international protocols, local civil society and legal groups have called for a reevaluation of immunity laws to ensure that political leaders and diplomats cannot avoid accountability for serious offenses.

Philippines: In the Philippines, as in many other countries, political immunity has been a topic of discussion, particularly concerning accusations of corruption and abuses by politicians and diplomats. Calls for greater transparency and accountability have grown louder in recent years, with growing public support for limiting immunity in cases involving serious crimes or misconduct.

Switzerland: Switzerland plays a unique role in international diplomacy, particularly as a host country for many international organizations. While Switzerland generally supports diplomatic immunity, it has also been at the center of discussions regarding immunity's limits in the face of human rights violations or serious crimes committed by diplomats and political leaders. Switzerland's neutral stance on global matters often leads it to advocate for reforms to ensure justice while respecting diplomatic privileges.

United Arab Emirates: The UAE is increasingly at the center of debates on the use and abuse of diplomatic immunity, particularly regarding financial crimes and corruption. As a prominent hub for international diplomacy, the UAE has faced mounting pressure to balance diplomatic privileges with greater accountability for those accused of violating laws that affect global security and trade.

Organizations

United Nations (UN): The UN plays an integral role in facilitating international dialogue on the limits of political immunity, particularly when such immunity clashes with human rights or international justice standards. The organization advocates for compliance with the Vienna Convention but also supports efforts to hold leaders and diplomats accountable in cases of serious crimes, such as war crimes or human rights abuses.

International Criminal Court (ICC): The ICC is crucial in challenging the concept of political immunity when dealing with individuals accused of international crimes. The court has frequently contested immunity claims from leaders such as Sudan's Omar al-Bashir, emphasizing that immunity should not shield those accused of war crimes or genocide. The ICC's efforts to prosecute high-profile individuals underscore the global movement toward limiting immunity for crimes that violate international law.

Amnesty International: Amnesty International has been at the forefront of campaigns to limit diplomatic immunity, especially in cases involving grave human rights violations. The organization argues that immunity should not protect individuals accused of crimes against humanity, and it has advocated for international reform to prevent immunity from being used as a tool of impunity.

Human Rights Watch: Human Rights Watch has long pushed for reforms to diplomatic immunity, particularly when it comes to preventing the protection of individuals involved in human rights abuses or war crimes. The organization's stance is that immunity should not shield individuals from accountability, particularly when their actions violate fundamental human rights and international justice.

UN Involvement

UN Convention on the Privileges and Immunities of the United Nations (1947)

The UN Convention on the Privileges and Immunities of the United Nations (1947) outlines the legal framework for the immunities and privileges granted to the UN and its staff, including political figures with diplomatic roles. It establishes that certain individuals, including diplomats, heads of state, and UN officials, should not be subjected to the jurisdiction of national courts to preserve the integrity of international diplomacy and organizations.

Key points from the Convention include:

Immunity from legal process: Diplomatic immunity ensures that political leaders and UN representatives cannot be prosecuted for actions carried out in their official capacity.

Protection of international relations: The immunity framework seeks to maintain smooth international relations by preventing legal actions that might interfere with diplomatic negotiations and state interactions.

However, the Convention has been criticized for allowing political figures to evade accountability, especially in cases of corruption or human rights violations, leading to calls for reforms.

United Nations Human Rights Council (HRC)

The United Nations Human Rights Council (HRC) frequently addresses the misuse of political immunity, particularly when political leaders use it to avoid accountability for human rights abuses. The HRC advocates for reforming immunity laws to prevent individuals from escaping responsibility for human rights violations.

Key actions of the HRC regarding immunity:

Calling for accountability: The HRC has called for the limitation of immunity, particularly when political leaders or diplomats are accused of committing severe human rights violations.

Support for international legal frameworks: The HRC supports the use of international courts, such as the International Criminal Court (ICC), to hold political figures accountable for human rights violations, even if they claim immunity.

Diplomatic pressure: The Council has used diplomatic channels to pressure countries to reconsider broad immunity protections for political leaders accused of war crimes or crimes against humanity.

The HRC has played a key role in advocating for the limitation of immunity in cases of human rights violations, emphasizing that immunity should not shield individuals from responsibility for such crimes.

United Nations Security Council (UNSC) and International Criminal Court (ICC)

The UN Security Council (UNSC) and the International Criminal Court (ICC) have been critical in addressing the issue of immunity, particularly in relation to international crimes such as genocide, war crimes, and crimes against humanity.

Key actions related to immunity:

UNSC Resolutions: The Security Council has passed many resolutions authorizing the prosecution of individuals accused of international crimes, including political leaders. These resolutions emphasize that immunity cannot be used to shield individuals from prosecution for crimes that threaten international peace and security.

ICC Jurisdiction: The International Criminal Court (ICC), as part of the UN system, explicitly states that immunity does not apply in cases of international crimes. Political leaders, including heads of state and government, are subject to prosecution by the ICC if they are accused of serious international crimes, regardless of their immunity status.

These bodies reaffirm that immunity cannot be a barrier to accountability when it comes to crimes that have a significant impact on international peace, security, and human rights.

Latest Developments

April 6, 2024	Ecuadorian Police Raid Mexican Embassy in Quito: Authorities entered the embassy to arrest former Vice President Jorge Glas, violating the Vienna Convention.
June 26, 2024	French Court Upholds Arrest Warrant for Assad : Claiming that he ruled crimes against humanity which are not protected by head-of-state immunity.
November 27, 2024	ICC Arrest Warrants for Netanyahu & Gallant : The ICC issued warrants, but some states cited diplomatic immunity to refuse enforcement.
January 2025	Italy Confirms Immunity for Israeli Leaders: Italy announced it would not arrest them during official visits, citing the Vienna Convention.
March 2025	Calls for ICC Reform : Scholars and legal experts proposed clarifying the ICC's approach to head-of-state immunity.

Previous Attempts to Solve the Issue

Rome Statute of the International Criminal Court (ICC)

- Established in 1998, this treaty created the ICC to prosecute genocide, war crimes, and crimes against humanity.
- Article 27 specifies that official capacity as head of state does not exempt a person from criminal responsibility.

International Court of Justice (ICJ) Jurisprudence

- In 2002, the ICJ ruled in the Arrest Warrant case that sitting foreign ministers have immunity from criminal jurisdiction in other states.
- This decision clarified the scope of immunity but also highlighted tensions with universal jurisdiction over international crimes.

UN General Assembly Resolutions

- Several resolutions have reaffirmed that there should be no impunity for the most serious international crimes.

- These texts are non-binding but have contributed to the gradual evolution of customary international law.

Regional Universal Jurisdiction Laws

- Countries such as Belgium, Spain, and Germany adopted laws allowing prosecution of international crimes regardless of where they were committed.
- These efforts faced setbacks due to diplomatic pressure and concerns about misuse.

ICC Arrest Warrants and National Responses

- The ICC has issued warrants against sitting leaders such as Omar al-Bashir and Vladimir Putin.
- Some states have refused to execute these warrants, citing obligations under the Vienna Convention or political considerations.

Vienna Convention on Diplomatic Relations (1961)

- Provides a framework for diplomatic immunity.

Possible Solutions

Legislations

- Clarify that immunity shall not apply to genocide, war crimes, and crimes against humanity in all new or revised international agreements.
- Encourage member states to incorporate such limitations into their national laws.

Education and Capacity-Building

- Provide training for judges, diplomats, and law enforcement officials on the balance between diplomatic functions and accountability.
- Promote awareness campaigns explaining the limits of immunity to the public and officials.

Diplomatic Measures

- Encourage states to adopt voluntary declarations stating they will not recognize immunity for atrocity crimes committed by any official.
- Promote the use of travel restrictions on indicted individuals outside essential diplomatic activities.

Bibliography

- The Infographics Show (2022). *Why Diplomats Can Commit Any Crime*.
https://www.youtube.com/watch?v=zHn7cv1wJ_M
- Politics with Paint (2021). *What is Diplomatic Immunity?*
<https://www.youtube.com/watch?v=3zGgSTnqclE>

- Abdul, G. (2024). *Diplomats and relatives accused of nine serious crimes in UK last year, MPs told*.
<https://www.theguardian.com/uk-news/2024/nov/14/diplomats-dependents-uk-alleged-serious-offences>
- Joseph, J. (2024). *UK Foreign Office says 9 diplomats accused of 'serious offenses' in 2023*
<https://www.jurist.org/news/2024/11/foreign-diplomats-in-uk-accused-of-serious-crimes-including-sexual-assault-and-indecent-exposure/>
- Parliament.uk. (2019). *Alleged Serious and Significant Offences 2019 to 2022: - Hansard - UK Parliament*.
<https://hansard.parliament.uk/Commons/2023-09-14/debates/2309149000013/AllegedSeriousAndSignificantOffences2019To2022DiplomaticImmunity>
- Koreatimes (2023). *98.5% of foreign diplomats involved in crimes in Korea leverage diplomatic immunity to evade charges - The Korea Times*
<https://www.koreatimes.co.kr/southkorea/law-crime/20231013/985-of-foreign-diplomats-involved-in-crimes-in-korea-leverage-diplomatic-immunity-to-evade-charges>
- United Nations (1961). Vienna Convention on Diplomatic Relations. *The American Journal of International Law*, [online] 55(4), p.1064.
<https://doi.org/10.2307/2196329>
- Britannica. (n.d.). *Diplomatic immunity | international law*.
<https://www.britannica.com/topic/diplomatic-immunity>.
- United Nations (2025). *What Are Human Rights?*
<https://www.ohchr.org/en/what-are-human-rights>.
- Shaw, M. (2016). International law. In: *Encyclopædia Britannica*.
<https://www.britannica.com/topic/international-law>.
- United Nations (2015). *What is the Rule of Law?* United Nations and the Rule of Law.
<https://www.un.org/ruleoflaw/what-is-the-rule-of-law/>.
- Human Rights Watch. (2015) About the organisation
<https://www.hrw.org/about>
- Amnesty International (2024). *Who We Are*. Amnesty International.
<https://www.amnesty.org/en/about-us/>

- United Nations International Residual Mechanism for Criminal Tribunals. (n.d.). *United Nations International Residual Mechanism for Criminal Tribunals*.
<https://www.irmct.org/en>.
- International Criminal Court (2025). International Criminal Court.
<https://www.icc-cpi.int/about/the-court>
- Tobin, S. (2022). U.S. diplomat's wife will not return to UK for sentencing over fatal car crash. *Reuters*.
<https://www.reuters.com/world/uk/us-diplomats-wife-will-not-return-uk-sentencing-over-fatal-car-crash-2022-12-06/>.
- Serhan, Y. (2017). *The Atlantic*. The Atlantic.
<https://www.theatlantic.com/news/archive/2017/06/turkish-guards-charged-over-violent-embassy-protest/530517/>
- Denny, C. (2004). *Suharto, Marcos and Mobutu head corruption table*. the Guardian.
<https://www.theguardian.com/world/2004/mar/26/indonesia.philip-pines>.
- Prendergast, J. (2015). *The Sudanese President's Escape Highlights the Determination of African Lawyers*. TIME.
<https://time.com/3921848/omar-al-bashir-sudan-south-africa/>.
- Peck, D. (2019). *The Atlantic*. The Atlantic. Available at:
<https://www.theatlantic.com/politics/archive/2019/01/trump-stands-by-while-erdogan-orders-attack-protesters/580093/>
- United Nations (1961). Vienna Convention on Diplomatic Relations. *The American Journal of International Law*,
<https://doi.org/10.2307/2196329>.
- International Criminal Court (1998). *Rome Statute of the International Criminal Court*. International Criminal Court.
<https://www.icc-cpi.int/sites/default/files/2024-05/Rome-Statute-eng.pdf>.
- International Court of Justice (n.d.). *Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo v. Belgium)*.
<https://www.icj-cij.org/case/121>.
- Un.org. (2020). *Résolutions | Security Council*.
<https://main.un.org/securitycouncil/en/content/resolutions>.
- Amnesty International (2019). *Amnesty International*
<https://www.amnesty.org/en/what-we-do/international-justice/>

- Press, A. (2021). *Ecuador condemned after police break into Mexican Embassy in Quito*. POLITICO.
<https://www.politico.com/news/2024/04/07/ecuador-condemned-mexican-embassy-00150982>
- Jazeera, A. (2024). *French court upholds arrest warrant for Syria's Bashar al-Assad*. Al Jazeera.
<https://www.aljazeera.com/news/2024/6/26/french-court-upholds-arrest-warrant-for-syrias-bashar-al-assad>
<https://www.aljazeera.com/news/2024/6/26/french-court-upholds-arrest-warrant-for-syrias-bashar-al-assad>
- Reuters Staff (2024). UK foreign minister says he will still talk to Netanyahu after ICC arrest warrant. *Reuters*.
<https://www.reuters.com/world/uk-foreign-minister-says-he-will-still-talk-netanyahu-after-icc-arrest-warrant-2024-11-27/>

