

Prevention and Punishment of Crimes Against Internationally Protected Persons Under International Law: A Critique of the Laws

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Abstract: *In spite of the existence of the 1973 Convention on the Prevention and Punishment of Crimes against Internationally-Protected Persons and other conventions on the prevention and punishment of crimes under international law, crimes against Internationally-Protected Persons continue to occur at an alarming rate. This dissertation is a critique of the laws on prevention and punishment of crimes against Internationally-Protected Persons. The general aim of the dissertation is to critically review the regulations on the prevention and punishment of crimes against Internationally-Protected Persons under international law. In dealing with the task of this dissertation, the doctrinal method of research, among others was adopted. References were made to all necessary source materials, for example the laws, textbooks and journals. After gathering information, the following observations came to the fore: the broad immunity granted under the Vienna Convention on Diplomatic Relations 1961 has in certain cases been exploited to obstruct international justice; there is a lack of robust enforcement mechanisms under the relevant international conventions and there is jurisdictional challenges, for example, the Rome Statute of the International Criminal Court (ICC) does not explicitly grant the ICC jurisdiction over such crimes, unless they fall within the broader categories of genocide, war crimes or crimes against humanity. Based on these observations, the following recommendations were proffered: there should be an amendment of the 1973 Convention on the Prevention and Punishment of Crimes Against Internationally-Protected Persons, so as to incorporate specific enforcement provisions or a supervisory authority to ensure compliance and there should be the expansion of the jurisdiction of the International Criminal Court to cover crimes against Internationally-Protected Persons. The following are the contributions to knowledge: the study identified and systematically analysed the practical challenges associated with the enforcement of international legal protections for Internationally-Protected Persons; and the study has proposed an amendment to the 1973 Internationally-Protected Persons Convention to, include enforcement mechanisms and the creation of a supervisory body, that is the Internationally-Protected Persons Authority.*

Keywords: prevention, punishment, crimes, internationally protected persons, international law

INTRODUCTION

Internationally-protected persons play a fundamental role in global diplomacy, ensuring the continuity of diplomatic relations, international negotiations, and conflict resolution. Their legal protection under

international law is enshrined in instruments such as the Vienna Convention on Diplomatic Relations 1961, the Vienna Convention on Consular Relations 1963, and the 1973 Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons¹. These legal frameworks aim to guarantee the safety and immunity of diplomats, heads of state, consular officials, and representatives of international organisations. However, despite their widespread ratification, these legal instruments have failed to provide effective deterrence against crimes targeting Internationally-Protected Persons, as evidenced by the growing number of politically motivated assassinations, embassy attacks, and violent acts committed against diplomats. The persistence of these crimes raises serious concerns regarding the enforcement mechanisms of international law and the political dynamics that undermine accountability.

The limitations of international legal protections for Internationally-Protected Persons are most evident in the enforcement mechanisms of these treaties, which largely rely on state co-operation. While international law obligates States to prevent and punish crimes against Internationally-Protected Persons, the implementation of these obligations is often selective, influenced by political interests and diplomatic considerations. The case of Jamal Khashoggi, a Saudi journalist and permanent United States of America (USA) resident who was murdered inside the Saudi Arabian consulate in Istanbul in 2018, exemplifies the weaknesses in enforcement. Despite overwhelming evidence of Saudi government involvement, legal action at the international level was almost non-existent, demonstrating how powerful States can shield perpetrators from accountability by invoking sovereignty and diplomatic immunity².

Historical trends reveal that crimes against Internationally-Protected Persons have been a recurring phenomenon, often associated with political conflicts, terrorism, and espionage. The assassination of Archduke Franz Ferdinand in 1914, which directly contributed to the outbreak of World War I, underscores the long-standing use of violence against high-profile figures to achieve political objectives³. More recently, the 1979 Iran Hostage Crisis, where militants seized the U.S. Embassy in

¹ United Nations (UN), *Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents*, adopted 14 December 1973, entered into force 20 February 1977, UNTS Vol. 1035 167.

² A. Callamard, *Investigation into the Unlawful Death of Jamal Khashoggi: Report to the United Nations Human Rights Council* (UNHRC, 2019) 7–16.

³ N. K. Hevener, *Diplomacy in a Dangerous World: Protection for Diplomats under International Law* (Routledge, 2019) 88–104.

Tehran and held 52 American diplomats hostage for 444 days, exposed the limitations of international law in compelling non-compliant states to uphold diplomatic protections⁴. The inability of the International Court of Justice (ICJ) to enforce its ruling demanding the hostages' release highlighted the challenges of securing compliance in politically sensitive cases. Similar jurisdictional and enforcement challenges were evident in the 2012 Benghazi attack, where the USA. diplomatic mission in Libya was stormed by militants, leading to the deaths of four American officials, including Ambassador Christopher Stevens. Despite extensive congressional investigations in the United States, there were no significant international legal proceedings against the perpetrators, further demonstrating the gaps in legal enforcement mechanisms⁵.

The increasing threats against Internationally-Protected Persons in the 21st century can be attributed to evolving geopolitical dynamics, the rise of state-sponsored assassinations, and the growing involvement of non-state actors in attacks against diplomatic personnel. Data from the United Nations Office on Drugs and Crime indicate that between 2000 and 2020, at least 102 diplomats or government officials were killed or attacked in foreign countries, with a significant portion of these cases linked to terrorism or politically motivated violence.⁶ The case of Sergei Skripal, a former Russian intelligence officer poisoned in the United Kingdom in 2018, illustrates how States use targeted assassinations as a tool for silencing political dissidents. Although the UK government imposed economic sanctions on Russia, no legal accountability was pursued under international law, exposing the inadequacies of existing legal frameworks in addressing crimes committed by powerful States⁷. The failure to prosecute such high-profile cases has re-inforced a culture of impunity, where perpetrators operate with the expectation that diplomatic protections will prevent meaningful legal repercussions.

Beyond physical threats, Internationally-Protected Persons now face unprecedented risks in the digital domain, with cyber espionage and electronic surveillance posing significant challenges to diplomatic security. The use of advanced surveillance technologies to monitor diplomatic communications and

⁴ W. K. Geck, *Diplomatic Protection*, in *Encyclopedia of Public International Law*, Installment 10 (Elsevier, 1987) 101–115.

⁵ U.S. Senate, *Benghazi Investigation Final Report: Together We Remember* (U.S. Government Publishing Office, 2016) 55–72.

⁶ United Nations Office on Drugs and Crime (UNODC), *Global Report on Crimes Against Diplomats and International Officials* (United Nations, 2021) **18–30**.

⁷ United Kingdom Parliament, *Report on the Russian Threat and the Sergei Skripal Poisoning* (UK Parliament, 2019) 12–26, <t <https://www.parliament.uk.>> accessed October 22, 2024.

interfere in diplomatic activities has become a growing concern, further complicating the landscape of international legal protections. While cyber threats do not involve direct physical harm, they jeopardise diplomatic integrity, disrupt international negotiations, and violate the principle of diplomatic inviolability established under the Vienna Conventions⁸. Yet, international law has not fully adapted to address these modern threats, leaving significant gaps in legal protections for diplomats operating in an increasing digitalised world.

Despite the existence of robust legal frameworks, the enforcement of international law in protecting IPPs remains weak, due to jurisdictional limitations, political interference, and the selective application of treaties. The International Criminal Court (ICC) and the International Court of Justice (ICJ), which could theoretically prosecute crimes against IPPs, are constrained by jurisdictional challenges and the need for state cooperation. Many crimes against IPPs fall outside the ICC's mandate unless they are classified as crimes against humanity or war crimes, leaving most cases unaddressed at the international level⁹. Moreover, diplomatic immunity is often mis-used by governments to shield officials from prosecution, preventing victims from seeking legal remedies¹⁰. In cases where perpetrators hold high government positions, domestic legal proceedings are either obstructed or politically manipulated, reinforcing the perception that international law offers insufficient accountability.¹¹

The inadequacies of existing legal protections necessitate urgent reforms to strengthen enforcement mechanisms and close the gaps in accountability. Scholars argue that the establishment of a specialised international tribunal dedicated to crimes against IPPs could provide a more effective legal avenue for prosecution, independent of state political interests¹². Furthermore, greater collaboration between intergovernmental organizations, intelligence agencies, and law enforcement bodies is required to track and prosecute those responsible for crimes against IPPs. Legal scholars also recommend expanding the ICC's jurisdiction to explicitly include crimes against IPPs, allowing for direct

⁸ N. M. Hamukwaya, *Consular Privileges and Immunities Abuse in Relation to International Law* (University of Namibia Repository, 2014) 31–49.

⁹ E. Denza, *Diplomatic Law: Commentary on the Vienna Convention on Diplomatic Relations* (4th edn, Oxford University Press, 2016) 203-220.

¹⁰ C. S. Wanyela, *Diplomatic Privileges and Immunities: A Critical Analysis of the Vienna Convention on Diplomatic Relations (1961)* (LLM Thesis, University of Nairobi, 2014) 4-59.

¹¹ *Ibid*

¹² N. Ahmad, 'The Obligation of Diplomats to Respect the Laws and Regulations of the Hosting State: A Critical Overview of International Practices' (2020) 9(3) *Laws* 18, 3-12.

prosecution without requiring state referrals or Security Council authorisation¹³. Without such reforms, international law will continue to struggle with the enforcement of IPP protections, leaving diplomats and other internationally protected persons vulnerable to politically motivated violence and state-sponsored attacks.

The analysis of international legal frameworks protecting Internationally-Protected Persons demonstrates that while the Vienna Conventions and the Internationally-Protected Persons Convention provide theoretical safeguards, their practical application is fraught with challenges. The persistence of crimes against Internationally-Protected Persons, as evidenced by the Khashoggi assassination, Benghazi attack, and Skripal poisoning, illustrates the inability of international law to ensure accountability. The growing threats posed by state-sponsored assassinations, terrorism, and cyber espionage further expose the urgent need for legal reforms and stronger enforcement mechanisms. Unless significant steps are taken to enhance compliance and create effective legal avenues for prosecution, crimes against Internationally-Protected Persons will continue with impunity, undermining the very foundation of diplomatic security and international relations.

Statement of the Problem

Despite the existence of the 1973 Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, crimes against Internationally Protected Persons continue to occur at an alarming rate. The convention, which the United Nations General Assembly adopted, aims to ensure the safety of diplomats, heads of State, and representatives of international organisations by requiring State parties to prevent and punish attacks against them¹⁴. However, the persistent occurrences of assassinations, embassy attacks, and politically motivated crimes against Internationally Protected Persons indicate a severe failure in enforcement mechanisms. This situation raises serious questions regarding the effectiveness of international law, the extent to which legal obligations are fulfilled by state parties, and the structural deficiencies within global enforcement institutions such as the International Criminal Court (ICC) and International Court of Justice (ICJ).

¹³ N. M. Hamukwaya, *Consular Privileges and Immunities Abuse in Relation to International Law* (University of Namibia Repository, 2024) 31-49.

¹⁴ United Nations, *Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents*, adopted 14 December 1973, entered into force 20 February 1977, UNTS Vol. 1035 167.

One of the key challenges in preventing and punishing crimes against Internationally-Protected Persons is the widespread misuse of diplomatic immunity, which allows many offenders to escape prosecution even when their involvement in crimes is well-documented. The Vienna Convention on Diplomatic Relation 1961 provides that diplomats and other protected persons cannot be prosecuted under the host country's legal system, which was originally intended to prevent politically motivated prosecutions¹⁵. However, this immunity has frequently been used as a shield for impunity, as seen in cases where state actors or high-ranking government officials were implicated in crimes against Internationally-Protected Persons but evaded legal accountability. The Jamal Khashoggi assassination (2018) serves as a prime example of how diplomatic immunity and political cover-ups obstruct justice. Despite substantial evidence indicating that Saudi Arabian officials orchestrated Khashoggi's murder inside the Saudi consulate in Istanbul, legal action against the primary suspects was limited, and international efforts to prosecute those responsible were effectively blocked by Saudi Arabia's invocation of state sovereignty and diplomatic immunity¹⁶.

Another major issue contributing to the persistence of crimes against Internationally-Protected Persons is the weak enforcement mechanisms of international law, particularly in cases where powerful states are involved. While the Internationally-Protected Persons Convention mandates that states prosecute offenders or extradite them for trial, enforcement is highly selective and politically influenced. International legal bodies such as the ICC and ICJ have limited jurisdiction over crimes against Internationally-Protected Persons, as their mandates primarily cover war crimes, crimes against humanity, and genocide¹⁴. Since crimes against Internationally-Protected Persons often fall outside these categories, they are left to national legal systems, many of which are either unwilling or unable to prosecute cases that involve high-ranking officials or foreign intelligence operations. The Sergei Skripal poisoning of 2018 in the United Kingdom illustrates this problem. Despite substantial evidence linking the attack to Russian intelligence operatives, legal action was confined to economic sanctions and diplomatic expulsions, with no criminal prosecutions pursued under international law¹⁷. This case highlights the difficulty in enforcing accountability when crimes against Internationally-Protected

¹⁵ E. Denza, *Diplomatic Law: Commentary on the Vienna Convention on Diplomatic Relations* (4th edn, Oxford University Press, 2016) 203–220.

¹⁶ A. Callamard, *Investigation into the Unlawful Death of Jamal Khashoggi: Report to the United Nations Human Rights Council* (UNHRC, 2019) 7–16.

¹⁷ United Kingdom Parliament, *Report on the Russian Threat and the Sergei Skripal Poisoning* (UK Parliament, 2019) 12–26, < <https://www.parliament.uk.>> accessed October 23, 2024.

Persons are committed by state actors, as international legal institutions have little authority to override national sovereignty in criminal prosecutions.

Jurisdictional issues further exacerbate the challenges in prosecuting crimes against Internationally-Protected Persons. The nature of diplomatic crimes often means that the perpetrators, victims, and locations of the crime span multiple jurisdictions, creating complex legal conflicts over which country has the right to prosecute. In the Benghazi attack of 2012, the deaths of four American officials, including Ambassador Christopher Stevens, in Libya led to prolonged USA congressional investigations but no significant international legal proceedings¹⁸. The inability to extradite suspects, coordinate legal frameworks, and ensure fair trials across borders demonstrates the jurisdictional loopholes that allow perpetrators of crimes against Internationally-Protected Persons to evade accountability.

State compliance with international treaties on the protection of Internationally Protected Person is, also, inconsistent as political considerations often take precedence over legal obligations. Many states fail to implement necessary domestic legal reforms to comply with the IPP Convention, and in cases where perpetrators are government-affiliated, there is little incentive for national legal systems to prosecute their own officials¹⁹. The lack of mandatory enforcement mechanisms within the IPP Convention means that states face no real consequences for non-compliance, making legal obligations largely symbolic rather than functional. Without a binding international enforcement body to oversee compliance, many cases involving crimes against Internationally-Protected Persons are handled in a manner dictated by political convenience rather than legal principles.

In order to illustrate the systematic failure in enforcing international legal protections for Internationally-Protected Persons, the table below provides a comparative analysis of major incidents involving crimes against Internationally-Protected Persons, examining the legal outcomes and challenges faced in each case.

The cases presented in the table above demonstrate a pattern of legal inaction, where perpetrators of crimes against Internationally-Protected Persons frequently evade prosecution due to a combination of

¹⁸ USA Senate, *Benghazi Investigation Final Report: Together We Remember* (U.S. Government Publishing Office, 2016) 55–72.

¹⁹ N. Ahmad, 'The Obligation of Diplomats to Respect the Laws and Regulations of the Hosting State: A Critical Overview of International Practices' (2020) 9(3) *Laws* 18, 3–12.

diplomatic immunity, jurisdictional obstacles, and political interference. The Khashoggi case exemplifies the role of diplomatic immunity in obstructing accountability, while the Benghazi attack highlights how legal fragmentation and jurisdictional challenges prevent effective prosecution. The Skripal poisoning, on the other hand, underscores the difficulties in enforcing international law against state actors, as diplomatic sanctions often serve as a substitute for criminal proceedings.

Given these challenges, it is evident that the existing international legal framework is inadequate in preventing and prosecuting crimes against Internationally-Protected Persons. The continued reliance on state cooperation, political goodwill, and voluntary compliance has severely weakened the enforceability of the IPP Convention and other legal instruments intended to protect diplomats and high-ranking officials. Without the establishment of stronger legal mechanisms, clearer enforcement procedures, and independent international oversight, crimes against Internationally-Protected Persons will continue with impunity, undermining the very foundation of diplomatic security and international relations.

General Aim or Objective of the Study

The general aim or objective of this study is to critically review the regulation on the prevention and punishment of crimes against Internationally-Protected Persons under international law and proffer measures to enhance prevention and protection of crimes against Internationally-Protected Persons with a view to securing the protection of such persons from crimes committed against the same.

Specific Objectives of the Study.

The Specific Objectives of the Study are to:

- i. evaluate the effectiveness of existing international treaties in preventing and punishing crimes against internationally protected persons.
- ii. identify the legal loopholes and weaknesses in the current international legal framework governing the protection of Internationally-Protected Persons.
- iii. assess the extent to which diplomatic immunity contributes to impunity for crimes against Internationally-Protected Persons.
- iv. examine the role of international legal bodies such as the ICC and ICJ in prosecuting crimes against Internationally-Protected Persons.

- v. Analyse the impact of political considerations and state sovereignty on the enforcement of international legal protections for Internationally-Protected Persons.
- vi. investigate the jurisdictional challenges in prosecuting crimes against Internationally-Protected Persons, particularly in cases involving multiple states.
- vii. examine how national legal systems complement or hinder international legal frameworks in the protection of Internationally-Protected Persons.
- viii. explore the role of intelligence and law enforcement agencies in preventing and investigating crimes against Internationally-Protected Persons.
- ix. propose measures aimed at strengthening enforcement mechanisms for crimes against Internationally-Protected Persons.
- x. recommend legal and policy reforms that will ensure better compliance with international treaties protecting Internationally-Protected Persons.

Scope and Limitations of the Study

This study primarily focuses on international legal instruments, governing the protection of Internationally-Protected Persons. It critically examines the 1973 Convention on the Prevention and Punishment of Crimes Against Internationally-Protected Persons, the Vienna Convention on Diplomatic Relations 1961, and the Vienna Convention on Consular Relations 1963, as these treaties establish the foundational legal protections for diplomats, heads of state, and other internationally protected individuals. Additionally, the study evaluates the role of international judicial bodies, particularly the ICC and the ICJ, in adjudicating cases related to crimes against Internationally-Protected Persons. By analysing these legal instruments and institutions, the study aims to determine the effectiveness and limitations of international law in preventing and punishing such crimes.

In order to provide practical insights into the enforcement challenges associated with protecting Internationally-Protected Persons, this study will rely on case study analysis. The scope of case studies is limited to high-profile incidents from the past 20 years, ensuring that the analysis remains relevant to contemporary diplomatic security issues. The selected cases include the Jamal Khashoggi assassination 2018, the Benghazi attack 2012, and the Sergei Skripal poisoning (2018), as these incidents illustrate the failure of international legal frameworks to hold perpetrators accountable. These

case studies are carefully chosen based on their legal significance, international impact, and the enforcement challenges they reveal. However, while the study focuses on these notorious cases, it acknowledges that numerous other crimes against Internationally-Protected Persons have occurred globally, some of which may not be as widely reported but still present similar legal and enforcement dilemmas.

A key limitation of this study is that it does not extensively analyse domestic legal frameworks unless they have a direct impact on international law enforcement. Many countries have national laws that complement international legal protections for Internationally-Protected Persons, but these vary widely and are often subject to political influence, jurisdictional conflicts, and diplomatic considerations. The study, therefore, does not undertake an in-depth analysis of how individual states implement IPP protections, unless such implementations (or failures) significantly affect international legal accountability. For example, Saudi Arabia's legal handling of the Khashoggi case, Russia's legal position on the Skripal poisoning, and Libya's response to the Benghazi attack would be discussed only to the extent that they interact with international legal obligations and treaties.

Furthermore, this study is limited in its ability to access confidential diplomatic or classified intelligence reports that may provide additional insights into crimes against Internationally-Protected Persons. While publicly available legal documents, case law, government reports, and international organisation assessments would form the basis of the analysis, certain information pertaining to diplomatic security threats may remain undisclosed due to national security concerns. The study also does not involve empirical research methods such as interviews with diplomats, international legal practitioners, or government officials, as it relies exclusively on doctrinal legal research, case study analysis, and comparative legal evaluations.

While these limitations impose some restrictions, they do not undermine the overall credibility and relevance of the study. By focusing on international legal instruments, enforcement mechanisms, and selected case studies, the research provides a rigorous examination of the effectiveness and shortcomings of international law in protecting Internationally-Protected Persons. The findings and recommendations derived from this study would contribute to legal scholarship and policy debates on diplomatic security and international criminal law.

Significance of the Study

This study is highly relevant to various stakeholders, including policymakers, legal experts, diplomats, international organisations, security agencies, and researchers. It sheds light on the weaknesses in existing international treaties and provides recommendations for stronger enforcement mechanisms. Policymakers and government officials would find this study useful in identifying gaps in their legal frameworks and making necessary reforms to ensure better compliance with international obligations.

Similarly, legal practitioners and international legal institutions, such as the ICC and the ICJ, will gain valuable insights into the jurisdictional and legal barriers that hinder the prosecution of crimes against Internationally-Protected Persons. The study's findings will serve as a foundation for legal reforms aimed at addressing diplomatic immunity abuse and other obstacles that prevent justice.

With respect to diplomats and international organisations like the United Nations (UN), the African Union (AU), and the European Union (EU), this research highlights the risks faced by Internationally-Protected Persons and suggests ways to strengthen their security measures. It will also assist security agencies and intelligence bodies in understanding patterns of attacks against Internationally-Protected Persons, enabling them to develop more effective strategies for protection and response.

Additionally, academics, researchers, and students in international law, diplomacy, and political science will benefit from the study's contribution to existing knowledge. It will serve as a useful resource for further research on diplomatic security, state sovereignty, and international legal enforcement.

Justification of the Study

The protection of Internationally-Protected Persons is a fundamental component of global diplomacy, ensuring that diplomats, heads of state, consular officials, and international representatives can carry out their duties without fear of violence or intimidation. However, despite the legal safeguards provided by international treaties, crimes against Internationally-Protected Persons persist, often going unpunished due to jurisdictional challenges, diplomatic immunity, and political interference. This study is therefore essential in addressing the legal vacuum in enforcing accountability for such crimes,

examining the effectiveness of international law, and proposing practical reforms to strengthen enforcement mechanisms.

The importance of diplomatic security in international relations cannot be overstated. Diplomacy serves as the primary mechanism for maintaining peaceful relations between states, resolving disputes, and fostering international cooperation. The presence of robust legal protections for Internationally-Protected Persons is crucial in preventing attacks that could escalate into diplomatic crises or international conflicts. The Vienna Convention on Diplomatic Relations 1961 and the Vienna Convention on Consular Relations 1963 underscore the principle that diplomatic agents must be free from threats, harassment, and physical harm. However, the growing number of attacks on Internationally-Protected Persons, such as the assassination of Jamal Khashoggi of 2018, the Benghazi attack of 2012, and the poisoning of Sergei Skripal 2018, demonstrates that international legal protections are often disregarded, and perpetrators frequently evade justice²⁰. This study is therefore justified in examining the effectiveness of diplomatic security frameworks, identifying legal gaps, and proposing measures to enhance protection mechanisms for Internationally-Protected Persons.

One of the primary issues necessitating this research is the legal vacuum in enforcing accountability for crimes against Internationally-Protected Persons. While the 1973 Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons establishes clear legal obligations for state parties, its enforcement is inconsistent and often politically motivated. Many offenders avoid prosecution due to the invocation of diplomatic immunity, lack of extradition agreements, and selective application of legal frameworks²¹. The ICC and ICJ, which are among the few legal bodies with potential jurisdiction over crimes against Internationally-Protected Persons, face significant constraints in prosecuting these cases. The failure to hold perpetrators accountable not only undermines the rule of law but also increases the likelihood of future attacks against diplomats and high-ranking officials. This study is therefore crucial in identifying the weaknesses in international enforcement mechanisms and recommending reforms to ensure better legal accountability.

Beyond filling the enforcement gap, this study has significant potential contributions to international criminal law and policy reforms. Given the jurisdictional and enforcement challenges associated with

²⁰ Denza (n 9) 16.

²¹ N. Ahmad, The obligation of diplomats to respect the laws and regulations of the hosting state: A critical overview of international practices, < <https://doi.org/10.3390/laws9030018> > accessed October 23, 2024.

prosecuting crimes against Internationally-Protected Persons, there is a need for reformulating existing legal instruments to ensure more effective compliance. This research will explore the feasibility of expanding the jurisdiction of the ICC over crimes against Internationally-Protected Persons, strengthening international cooperation mechanisms, and establishing an independent investigative body dedicated to addressing crimes against diplomats and internationally protected persons. Moreover, the study will contribute to policy discussions on diplomatic security, ensuring that international organisations, such as the United Nations, have better frameworks for monitoring and addressing crimes against Internationally-Protected Persons in real-time.

This study is justified as a necessary academic and policy-oriented contribution to addressing the critical legal gaps in the protection of internationally protected persons. By critically evaluating the effectiveness of international treaties, case law, and enforcement mechanisms, this research aims to propose concrete legal and policy reforms that will ensure better compliance, stronger legal accountability, and improved diplomatic security worldwide.

Research Questions

The following are the research questions:

- i. How effective are international laws in preventing and punishing crimes against Internationally-Protected Persons?
- ii. What are the major weaknesses and loopholes in the current international legal framework governing the protection of Internationally-Protected Persons?
- iii. How does diplomatic immunity contribute to impunity for crimes committed against Internationally-Protected Persons?
- iv. What role do international legal bodies such as the International Criminal Court (ICC) and the International Court of Justice (ICJ) play in prosecuting crimes against Internationally-Protected Persons?
- v. How do political considerations and state sovereignty impact the enforcement of international legal protections for Internationally-Protected Persons?

- vi. What are the jurisdictional challenges in prosecuting crimes against Internationally-Protected Persons, particularly in cases involving cross-border offences?
- vii. How effective are national legal systems in complementing international legal frameworks for the protection of Internationally-Protected Persons?
- viii. What role do intelligence and law enforcement agencies play in investigating and preventing crimes against Internationally-Protected Persons?
- ix. What measures can be introduced to strengthen enforcement mechanisms for crimes against Internationally-Protected Persons?
- x. What legal and policy reforms are necessary to ensure better compliance with international treaties protecting Internationally-Protected Persons?

LITERATURE REVIEW

Malekian, in his seminal work: ‘Crimes Against Internationally Protected Persons’,²² provides a dual examination of IPP protection under both international criminal law and Islamic international criminal law. The study determine whether international legal instruments particularly the 1973 IPP Convention, the Vienna Conventions, and Islamic jurisprudence adequately criminalize and prevent crimes such as murder, abduction, and violence against diplomats and other protected persons. Malekian utilizes a doctrinal legal method, analyzing treaties, customary international law, and Islamic legal texts to trace the evolution and enforcement of IPP protections. While the work is rich in its comparative legal insights and normative analysis, its primary limitation lies in its lack of engagement with recent, high-profile enforcement failures such as the assassination of Jamal Khashoggi or the Skripal poisoning which illustrate modern challenges in implementing the Convention. Additionally, although the author emphasizes the legal framework’s inconsistencies, the study does not sufficiently critique the institutional limitations of bodies like the ICC and ICJ in prosecuting IPP-related offenses. This dissertation builds on Malekian’s foundation by critically engaging with contemporary case law and enforcement outcomes to expose gaps in institutional accountability and propose realistic legal reforms.

²² F. Malekian, ‘Crimes Against Internationally Protected Persons’ (Cambridge International Law Series, 2017) 20-31.

Gallagher, in her work *The Legal Framework for Diplomatic Immunity in the 21st Century*,²³ explores how diplomatic immunity, as established in the Vienna Conventions, has evolved and how it intersects with contemporary calls for legal accountability. The study determine whether current legal norms on diplomatic immunity remain compatible with the need for international justice and state responsibility. Gallagher effectively interrogates the inconsistencies in the application of immunity in the modern diplomatic arena, especially where immunity has been used to shield perpetrators of crimes. However, the study fails to critically engage with real-world high-profile cases such as the Khashoggi assassination or the Skripal poisoning, where diplomatic immunity posed serious accountability challenges. This dissertation addresses that gap by incorporating detailed case studies that show the operational weaknesses of diplomatic immunity and proposing enforceable reforms.

Peersman, in his methodological study titled: ‘Content Analysis in Legal Research’,²⁴ focuses on how legal scholars can use content analysis to systematically assess the effectiveness of legal instruments. The major objective of the paper is to demonstrate how content analysis can be employed to detect patterns, gaps, and enforcement inconsistencies in treaty implementation. The author provides a robust framework for analyzing legal texts but does not apply it to any specific international legal instrument or to crimes against IPPs. Consequently, the study lacks contextual relevance to the specific crimes this dissertation focuses on. To address this, the current study applies content analysis directly to key instruments like the 1973 IPP Convention and the Rome Statute, using them to critically examine enforcement breakdowns in actual cases.

Ahmad, analyses the limited role that the International Criminal Court (ICC) and International Court of Justice (ICJ) play in prosecuting crimes against diplomats in his article titled: ‘The Role of the ICC and ICJ in Protecting Diplomats under International Law’²⁵. The study’s primary objective is to evaluate the jurisdictional and procedural weaknesses of these institutions in addressing crimes against IPPs. While Ahmad provides a thorough examination of statutory frameworks and court mandates, the study relies almost entirely on secondary sources and does not offer field-based insights or case studies

²³ A. T. Gallagher, *The Legal Framework for Diplomatic Immunity in the 21st Century: Enforcement and Accountability* (Cambridge University Press, 2017) 17-34.

²⁴ G. Peersman, ‘Content Analysis in Legal Research: Methods and Critiques’ (2019) 6(2) *European Journal of Legal Studies* 45-68.

²⁵ F. Ahmad, ‘The Role of the ICC and ICJ in Protecting Diplomats under International Law’ (2020) 12(3) *International Journal of Law and Policy Studies* 85-104.

that reflect contemporary enforcement failures. This dissertation overcomes that limitation by integrating judicial records and policy reports from recent cases to provide grounded, evidence-based analysis of the ICC and ICJ's functional shortcomings.

Nagieva, in her paper titled: 'State Responsibility and the Enforcement of International Norms Protecting Diplomats',²⁶ investigates how international law conceptualizes and enforces the duty of states to protect diplomats. Her central objective is to explore both the legal and political aspects of state responsibility. The study is theoretically sound and clearly shows how state sovereignty often impedes international legal enforcement. However, it does not deeply analyze real enforcement outcomes, especially in recent high-profile cases of IPP violations. This study fills that gap by linking state responsibility theory to practical enforcement outcomes using case-based evaluation of failures in prosecution and legal follow-through in the Khashoggi and Benghazi incidents.

Abusamra, in her publication titled: *Reforming Diplomatic Immunity: Striking a Balance Between Privilege and Accountability*,²⁷ provides a comprehensive critique of the current diplomatic immunity regime. The main objective is to explore legal reforms that could ensure diplomatic privileges are not abused. The study offers compelling normative arguments and highlights legal inconsistencies; however, it stops short of proposing practical institutional mechanisms or models through which these reforms could be implemented at national or international levels. This dissertation addresses that omission by developing specific reform proposals grounded in doctrinal and comparative legal research, supported by institutional case analysis.

Brunnée and Toope apply a constructivist lens in their study: 'Interactional International Law and Diplomatic Protections'²⁸ to examine how evolving norms influence compliance with diplomatic law. The authors aim to explain how normative shifts affect the behavior of states in protecting IPPs and respecting international conventions. The theoretical framework is rich and conceptually nuanced, but it lacks attention to how norm changes are translated into enforceable legal frameworks. It also fails to assess what happens when states resist evolving norms, as seen in the cases of Russia or Saudi Arabia.

²⁶ A. Nagieva, 'State Responsibility and the Enforcement of International Norms Protecting Diplomats' (2022) 25(1) *Journal of Diplomatic Law* 87-106.

²⁷ L. A. Abusamra, *Reforming Diplomatic Immunity: Striking a Balance Between Privilege and Accountability in Modern Diplomacy* (Pécs University Law School Publications, 2024) 16-74.

²⁸ J. Brunnée and S. J. Toope, 'Interactional International Law and Diplomatic Protections: A Constructivist Approach' (2023) *Oxford Research Encyclopedia of International Studies* 25-36.

This dissertation bridges that gap by evaluating both the evolution and breakdown of norms through enforcement analysis and institutional response reviews.

Aghababaei and Bazzar, in their article titled: ‘International Crimes Against State Officials: A Jurisdictional Analysis of ICC Gaps’,²⁹ examine how the Rome Statute fails to adequately cover crimes against IPPs. Their primary objective is to evaluate the jurisdictional limitations of the ICC concerning targeted attacks on diplomats and state officials. Their legal reasoning is solid, especially in pointing out the statutory omissions, but the study does not extend into how these legal gaps can be closed through treaty amendments or national legal reforms. This dissertation takes a step further by linking statutory analysis to actionable policy recommendations, focusing on harmonizing international and domestic enforcement frameworks.

CONCEPTUAL FRAMEWORK, THEORITICAL FRAMEWORK AND HISTORICAL FOUNDATION

Conceptual Framework

The researcher succinctly examines some key-words in this dissertation to ensure easy comprehension or understanding of certain terms used in this dissertation.

Concept of International Law

The meaning of the expression “International Law” is fairly well-known. It can be defined as a body of rules established by custom or treaty and recognised by nation-states, as binding in their relations with another³⁰. According to an English philosopher, Jeremy Bentham who coined the expression ‘international law’, international law is ‘a collection of rules governing relations between states’³¹.

The definition above can be vilified. First, it omits individuals and international organisations which are two most dynamic and vital elements of modern international law³². Besides, it is no longer correct to consider international law as merely a collection of rules³³. Instead, international law is a rapidly

²⁹ H. Aghababaei and V. Bazzar, ‘International Crimes Against State Officials: A Jurisdictional Analysis of ICC Gaps’ (2023) 32(2) *Journal of Legal Studies* 103–125.

³⁰ < Definitions from Oxford Languages...> accessed 28 March 2025.

³¹ *Ibid.*

³² ‘International, Law/Definition, History, Characteristics, Examples, & Facts’ <<https://www.britannica.com>> accessed 28 March 2025.

³³ *Ibid.*

developing complex of rules and influential-albeit not directly binding principles, practices, and assertions coupled with increasingly sophisticated processes and structures³⁴.

In its widest sense, international law provides normative guidelines as well as methods, mechanisms, and a common conceptual language to international actors, that is primarily sovereign states but also increasingly international organisations such as the United Nations Organisation and some individuals, including former president of Nigeria, Olusegun Obasanjo and human rights violation victims under international human rights instruments such as the United Nations International Covenant on Civil and Political Rights 1966³⁵.

To cut matters short, subjects of international law now, include individuals and international organisations.

Concept of Crime

The word ‘crime’ is used interchangeably with the word ‘offence’. Thus, they mean the same thing. Statute in Nigeria, defines ‘offence’ as: ‘an act or omission which renders the person doing the act or making the omission liable to punishment under this Code, or under any Act, or Law’.³⁶ Of course, any Law would, include International Law. Common crimes, include ‘murder’, ‘kidnapping’, ‘rape’ and ‘assault’.

Concept of Internationally-Protected Persons

International instrument defines internationally-protected persons. For instance, the Convention on the Prevention and Punishment of Crimes Against Internationally-Protected Persons 1973 defines internationally-protected persons as ‘individuals who, due to their official capacity, require special protection under international law’³⁷.

The primary categories of internationally-protected persons, include:

³⁴ *Ibid.*

³⁵ *See Ibid.*

³⁶ See s 2 of the Nigerian Criminal Code Act Cap C38 LFN 2004.

³⁷ United Nations 1973 Convention on the Prevention and Punishment of Crimes Against Internationally-Protected Persons, including Diplomatic Agents < [https://treaties.un.org/doc/Treaties/1977/02/19770220%2004-37%20AMCH-XVIII 7p.pdf](https://treaties.un.org/doc/Treaties/1977/02/19770220%2004-37%20AMCH-XVIII%207p.pdf)> accessed 23 October 2024.

- i. Heads of State and Senior Government officials:- This group, includes Presidents, Prime ministers, monarchs, and Foreign ministers, who are generally-granted sovereign immunity under customary international law and the United Nations Charter³⁸.
- ii. Diplomats –Ambassadors and other diplomatic representatives benefit from diplomatic immunity, as established under the Vienna Convention on Diplomatic Relations 1961³⁹.

Theoretical Framework

The legal protection of Internationally Protected Persons (IPPs) is anchored on a variety of legal and international relations theories that attempt to explain the rationale, enforcement, and limitations of diplomatic protections. While international treaties such as the 1973 IPP Convention and the Vienna Conventions 1961 and 1963, provide a formal legal basis for IPP protection, their practical application is often hindered by jurisdictional conflicts, state sovereignty claims, and political interference. To critically analyze the gaps in international legal protection for IPPs, this study adopts a multi-theoretical approach that incorporates legal positivism, natural law, state responsibility theory, realism, liberal institutionalism, and constructivism. Each of these theories offers a different perspective on the effectiveness of international law in preventing and punishing crimes against IPPs. This section critically examines these theories, highlighting their strengths and limitations in the context of the enforcement of international legal protections.

Legal Positivism

Legal positivism asserts that laws derive their legitimacy from formal legal agreements between states rather than from moral or ethical principles⁴⁰. According to this perspective, international treaties such as the 1973 IPP Convention and the Vienna Conventions are binding legal instruments that impose obligations on states to protect IPPs. Positivists argue that compliance with international law is based on state consent, and therefore, legal obligations exist only when states willingly ratify and adhere to treaties.

³⁸ A. Sarvarian, Investment Arbitration and Climate Change: Contemporary Challenges in International Law (British Yearbook of International Law, 2024) < <https://academic.oup.com/bybil/advance-article-abstract/doi/10.1093/bybil/brae004/7649332>> accessed 23 October 2024.

³⁹ B. L. Walsh, *Prosecuting assassins in US courts: International law perspectives on crimes against Internationally Protected Persons*, (Review of Litigation, 2018) <https://heinonline.org/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/rol38§ion=22> accessed October 23, 2024.

⁴⁰ H. L. A. Hart, *The Concept of Law* (3rd ed., Oxford University Press, 2003) 15.

While legal positivism provides a structured foundation for diplomatic law, it fails to address enforcement challenges. The assassination of Jamal Khashoggi and the Skripal poisoning illustrate how States can violate international legal norms with little to no consequence. Dvornycsenko critiques legal positivism as "voluntarist", meaning that powerful states can evade legal accountability when it conflicts with their national interests⁴¹. This limitation underscores the need for an independent enforcement mechanism beyond state self-regulation.

Natural Law Theory

Natural law theory argues that legal protections for IPPs should be grounded in universal moral principles rather than solely in formal treaties⁴². This perspective maintains that crimes against IPPs—such as targeted assassinations and embassy attacks are not merely violations of legal agreements but fundamental breaches of human dignity that demand absolute legal accountability.

Despite its moral strength, natural law theory lacks enforcement mechanisms. The Benghazi attack (2012) exemplifies how moral condemnation alone is insufficient to ensure legal action against perpetrators. Critics, such as Nagieva, argues that natural law provides a normative ideal but lacks the structural mechanisms necessary for enforcement, making it impractical as a sole basis for IPP protection⁴³.

State Responsibility Theory

State responsibility theory posits that states have a legal duty under international law to protect IPPs within their jurisdiction and to hold offenders accountable⁴⁴. This theory is codified in international legal instruments such as the International Law Commission's Articles on State Responsibility, which establish that states must take all reasonable measures to prevent crimes against IPPs and prosecute offenders when violations occur.

The theory has been applied in practice in cases such as United States Diplomatic and Consular Staff in Tehran⁴⁵, where Iran was held responsible for failing to protect U.S. diplomats. However,

⁴¹ M. Dvornycsenko, The limitations of legal positivism in ensuring state accountability: A case study of the Vienna Conventions (2017) 28(4) (*European Journal of International Law* 602-620.

⁴² J. Finnis, *Natural law and natural rights* (2nd ed., Oxford University Press, 2020) 21-22.

⁴³ A. Nagieva, State responsibility in international law: Challenges and limitations in enforcing diplomatic protections. (2022) 25(1) *Journal of Diplomatic Law*, 87–106.

⁴⁴ *Ibid.*

⁴⁵ International Court of Justice (ICJ). (1980). *United States Diplomatic and Consular Staff in Tehran (United States v. Iran)*, Judgment of 24 May 1980, < <https://www.icj-cij.org/en/case/64>> accessed October 23,2024.

enforcement remains inconsistent, as seen in Saudi Arabia's refusal to hold top officials accountable for the Khashoggi assassination. According to Abusamra, state responsibility theory is only effective when international courts have enforcement mechanisms, which are currently lacking under the 1973 IPP Convention⁴⁶.

Realism

Realism, an international relations theory, argues that states prioritize national interests over legal obligations, meaning that compliance with IPP protections is often secondary to strategic political considerations⁴⁷. Under this perspective, powerful nations violate diplomatic protections when it benefits them politically, explaining why Russia denied involvement in the Skripal poisoning (2018) and Saudi Arabia evaded accountability in the Khashoggi case.

While realism explains non-compliance, it fails to account for cases where states do comply with international legal obligations despite lacking political incentives. For example, Namibia strictly enforces diplomatic protections even though it lacks strategic power⁴⁸. This suggests that legal norms and reputational concerns also play a role, challenging realism's overemphasis on power politics.

Liberal Institutionalism

Liberal institutionalism posits that international organizations and legal frameworks play a crucial role in shaping state behavior and ensuring compliance with international law⁴⁹. This theory supports the UN, the ICC, and the ICJ as mechanisms for enforcing diplomatic protections.

However, institutionalism's effectiveness is limited. For example, although the ICC issued an arrest warrant for Sudanese President Omar al-Bashir for war crimes⁵⁰. Sudan ignored the ruling and continued its diplomatic engagements. Ahmad critiques institutionalism for its overreliance on

⁴⁶ L. A. Abusamra, *Reforming diplomatic immunity: Striking a balance between privilege and accountability in modern diplomacy*. Pécs University Law School Publications. 2024
<<https://ajk.pte.hu/sites/ajk.pte.hu/files/file/doktori-iskola/allan-abusamra-lama-ali-khaleel/allan-abusamra-lama-ali-khaleel-muhelyvita-ertekezes.pdf>> accessed October 23, 2024.

⁴⁷ J. J. Mearsheimer, *The great delusion: Liberal dreams and international realities*. (Yale University Press, 2018) 14.

⁴⁸ L. Hamukway, Realist theory and compliance with diplomatic protections: An empirical analysis of African States (2024) 20(1) *African Journal of International Law* 112–132.

⁴⁹ R. Keohane, *After hegemony: Cooperation and discord in the world political economy* (Princeton University Press. 2020) 16-17.

⁵⁰ International Criminal Court (ICC), *Prosecutor v. Omar Hassan Ahmad Al Bashir* 2010, <<https://www.icc-cpi.int/Pages/cases.aspx>> accessed October 23, 2024.

voluntary compliance, arguing that international institutions lack coercive power when states refuse to cooperate⁵¹.

Constructivism

Constructivism argues that international norms evolve over time, influencing how states interpret and apply legal protections⁵². This theory suggests that global condemnation of crimes against IPPs such as the Khashoggi assassination can pressure states into compliance over time⁵³.

However, constructivism struggles to explain why norm evolution is slow and why some states resist compliance despite international pressure. For instance, although there was global outcry over the Skripal poisoning, Russia faced minimal direct legal consequences⁵⁴. This limitation shows that norm shifts alone do not guarantee legal enforcement, reinforcing the need for stronger institutional mechanisms.

Theoretical Gaps and Limitations

Each of these theories provides insights into why crimes against IPPs persist, yet none fully resolves the issue. The gaps in these theories, include:

- Legal positivism lacks effective enforcement mechanisms.
- Natural law theory provides a moral basis but lacks legal enforceability.
- State responsibility theory is only effective when international courts have enforcement authority.
- Realism explains non-compliance but does not account for voluntary adherence to IPP protections.
- Liberal institutionalism assumes that international legal institutions are effective, but they often fail due to state non-cooperation.

⁵¹ F. Ahmad, The effectiveness of international institutions in prosecuting crimes against diplomats. (2020) *12*(3) *International Journal of Law and Policy Studies* 85–104.

⁵² A. Wendt, *Social theory of international politics*, (Cambridge University Press, 1999) 25.

⁵³ M. Johns, The impact of global condemnation on legal reforms for IPP protection: A constructivist perspective. (2024) *18*(2) *International Law Review* 56–78.

⁵⁴ F. Ahmad & R. Lilienthal, Norm evolution in international diplomatic law: Constructivism and its impact on enforcement mechanisms (2021) *15*(2) *Global Legal Studies Review* 204-225.

- Constructivism highlights norm evolution but fails to explain why some states resist international pressure.

These gaps indicate that no single theory is sufficient to explain or solve the challenges of IPP protection. A multi-theoretical approach, integrating elements of state responsibility, institutional enforcement, and norm evolution, is necessary to develop more effective legal and political mechanisms.

Historical Foundation of Internationally Protected Persons under International Law

The 1973 Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons defines Internationally-Protected Persons as individuals who, due to their official capacity, require special protection under international law⁵⁵. The Vienna Convention on Diplomatic Relations 1961 and the Vienna Convention on Consular Relations 1963, further elaborate on the legal status and privileges of diplomatic and consular officials, while the UN Charter and customary international law recognise the protections afforded to heads of State and senior government officials⁵⁶.

The primary categories of Internationally Protected Persons, include:

- i. Heads of State and Senior Government Officials – This group includes presidents, prime ministers, monarchs, and foreign ministers, who are generally granted sovereign immunity under customary international law and the UN Charter⁵⁷.
- ii. Diplomats – Ambassadors and other diplomatic representatives benefit from diplomatic immunity, as established under the Vienna Convention on Diplomatic Relations (1961)⁵⁸.

⁵⁵ United Nations 1973 *Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents*, <https://treaties.un.org/doc/Treaties/1977/02/19770220%2004-37%20AM/Ch_XVIII_7p.pdf> accessed October 23,2024.

⁵⁶ A. N. Vylegzhanin & R. A. Kantur, *Responsibility for offences against internationally protected persons: Contemporary legal aspects* (2024) Kutafin Law Review <<https://kulawr.msal.ru/jour/article/view/226>> accessed October 23, 2024.

⁵⁷ A. Sarvarian , *Investment arbitration and climate change: Contemporary challenges in international la.*,(British Yearbook of International Law. 2024) <<https://academic.oup.com/bybil/advance-article-abstract/doi/10.1093/bybil/brae004/7649332>> accessed October 23, 2024.

⁵⁸ B. L. Walsh, *Prosecuting assassins in US courts: International law perspectives on crimes against Internationally Protected Persons*, (Review of Litigation, 2018) <https://heinonline.org/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/rol38§ion=22> accessed October 23, 2024.

- iii. Consular Officers – Unlike diplomats, consular officers have limited immunity, which applies primarily to their official functions as defined in the Vienna Convention on Consular Relations (1963)⁵⁹.
- iv. United Nations and International Organisation Officials – UN officials and representatives of international organisations are afforded special privileges and immunities under the UN Convention on Privileges and Immunities (1946)⁶⁰.

The legal foundation for the protection of Internationally-Protected Persons is built upon principles of diplomatic immunity, state sovereignty, and international cooperation. The Vienna Conventions (1961 and 1963) establish diplomatic and consular immunity, shielding officials from prosecution, arrest, and detention by the host state⁶¹. This principle is essential for maintaining international relations, as it prevents diplomats from being subjected to politically motivated prosecutions.

However, the application of diplomatic immunity has become controversial, particularly when Internationally-Protected Persons are accused of committing serious crimes or when state actors abuse these protections to avoid accountability. The Jamal Khashoggi assassination (2018) and the Sergei Skripal poisoning (2018) are key examples where perpetrators evaded justice, due to political interference and jurisdictional complexities⁶².

Despite, clear legal obligations under the 1973 IPP Convention, enforcement mechanisms remain weak, inconsistent, and often politically influenced⁶³.

One of the primary concerns raised by legal scholars is the difficulty of balancing immunity with accountability. Diplomatic immunity was never intended to shield individuals from prosecution for

⁵⁹ B. Mudinyu, *Challenges of implementing international legal protections for internationally protected persons: A case study of selected agencies in Kenya*, (University of Nairobi Repository, 2021) <<http://erepository.uonbi.ac.ke/handle/11295/160575>> accessed October 23, 2024.

⁶⁰ Y. Hao, N. Ba, S. Ren., & H. Wu, *How does international technology spillover affect diplomatic security and crimes against Internationally-Protected Persons?* Sustainable Production and Consumption, <<https://www.sciencedirect.com/science/article/pii/S235255092031407X>> accessed October 23, 2024.

⁶¹ Y. Dong, *Privacy Act 2020 and its implications for internationally protected persons*, (Auckland University Law Review, 2020) <<https://www.nzlii.org/nz/journals/AukULawRw/2020/17.pdf>> accessed October 23, 2024.

⁶² K. I. Zadi, W. Xuwu & U. Hameed, *Protections and facilitations for foreign diplomats: Legal perspective under international law*, (Journal of Development and Social Sciences, 2022), <<https://www.ojs.jdss.org.pk/journal/article/view/74>> accessed October 23, 2024.

⁶³ T. Yi, Y. Dong & W. Cao, *Examining the bidirectional mechanism between international law, diplomatic immunity, and crimes against Internationally-Protected Persons: A knowledge-based approach*, (Journal of the Knowledge Economy, 2024), <<https://link.springer.com/article/10.1007/s13132-024-02540-5>> accessed October 23, 2024.

crimes such as murder, human rights abuses, or terrorism, yet many high-profile cases demonstrate how immunity has been exploited to evade justice⁶⁴. The ICC and the ICJ, which have jurisdiction over certain crimes against Internationally-Protected Persons, face significant limitations in enforcing legal action due to state sovereignty and diplomatic resistance⁶⁵.

A growing body of legal scholarship advocates for reforming existing treaties to limit the scope of immunity in cases involving serious crimes. Some scholars suggest that:

Amending the IPP Convention to include automatic international jurisdiction for crimes against Internationally-Protected Persons, while others propose the creation of an independent international investigative body tasked with prosecuting such offences⁶⁶.

However, political opposition from major state actors continues to hinder these reforms.

The Legal Framework for Protecting Internationally-Protected Persons

The protection of Internationally-Protected Persons is a critical aspect of international law, ensuring the safety of diplomats, heads of state, consular officials, and representatives of international organisations. Various treaties, legal instruments, and international judicial bodies have been established to safeguard Internationally-Protected Persons from attacks, harassment, and unlawful detention. The primary international legal frameworks include the 1973 Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, the Vienna Conventions on Diplomatic and Consular Relations 1961 and 1963, and the jurisdiction of the ICJ and the ICC over crimes against Internationally-Protected Persons. Despite these legal instruments, enforcement mechanisms remain weak, leading to persistent violations and impunity for perpetrators.

The 1973 IPP Convention: Overview, Objectives, and Enforcement Challenges

The 1973 Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons was adopted by the United Nations General Assembly to address the growing number of attacks on diplomats and high-ranking international officials. The treaty defines Internationally-

⁶⁴ A. Ansong, *The feasibility of enhanced diplomatic protection for Internationally-Protected Persons under contemporary international law* (Estey Journal of International Law and Trade Policy, 19(1), 2018) <<https://ageconsearch.umn.edu/record/276240/>> accessed October 23, 2024.

⁶⁵ A. Sarvarian, *Investment arbitration and climate change: Contemporary challenges in international law*, (British Yearbook of International Law, 2024) <<https://academic.oup.com/bybil/advance-article-abstract/doi/10.1093/bybil/brae004/7649332>> accessed October 2023, 2024.

⁶⁶ *Ibid.*

Protected Persons as individuals who, by virtue of their official status, require special legal protection⁶⁷. It obligates states to criminalise attacks against Internationally-Protected Persons, investigate incidents, and prosecute offenders or extradite them to another jurisdiction for trial⁶⁸.

However, while the IPP Convention establishes clear legal obligations, its enforcement has been highly inconsistent. Many states fail to prosecute perpetrators, citing diplomatic immunity, jurisdictional limitations, or political considerations⁶⁹. The Jamal Khashoggi assassination serves as a key example where Saudi Arabian officials, despite overwhelming evidence of state involvement, evaded international legal consequences due to political cover-ups and lack of enforcement mechanisms⁷⁰. Similarly, the Sergei Skripal poisoning (2018) revealed that even when state-sponsored crimes against Internationally-Protected Persons occur, legal accountability is difficult to achieve due to jurisdictional conflicts and diplomatic resistance⁷¹.

The Vienna Conventions (1961 and 1963): Key Provisions for Diplomatic and Consular Protection

The Vienna Convention on Diplomatic Relations 1961 and the Vienna Convention on Consular Relations 1963 are the cornerstone treaties governing the legal status, rights, and protections of diplomats and consular officials. These conventions establish diplomatic immunity, consular privileges, and the inviolability of diplomatic missions, ensuring that Internationally-Protected Persons can perform their duties without interference⁷².

The 1961 Vienna Convention on Diplomatic Relations provides that:

- a• Diplomatic agents shall not be arrested or detained in the host state.
- b• Embassies and diplomatic premises shall be inviolable, meaning the host state cannot enter without permission.

⁶⁷ *Ibid*

⁶⁸ *Ibid*

⁶⁹ *Ibid*

⁷⁰ *Ibid*

⁷¹ *Ibid.*

⁷² United Nations *Vienna Convention on Diplomatic Relations*, 1961, <https://legal.un.org/ilc/texts/instruments/english/conventions/9_1_1961.pdf> accessed October 23, 2024 and United Nations, *Vienna Convention on Consular Relations*, 1963 <https://legal.un.org/ilc/texts/instruments/english/conventions/9_2_1963.pdf> accessed October 23, 2024.

- c· Diplomatic immunity extends to personal protection, preventing host states from prosecuting foreign diplomats⁷³.

Similarly, the 1963 Vienna Convention on Consular Relations grants limited immunity to consular officers, particularly in relation to official acts performed in their capacity. Unlike diplomats, consular officers can be prosecuted for serious offences, but only under strict legal conditions⁷⁴.

Despite these legal safeguards, the misuse of diplomatic immunity remains a major challenge. The Vienna Conventions have been exploited by state actors to shield officials from prosecution, leading to cases where diplomats accused of crimes avoid legal accountability. The Benghazi attack highlighted the limitations of the Vienna Conventions in ensuring protection, as the U.S. diplomatic mission in Libya was attacked, resulting in the death of Ambassador Christopher Stevens, without any significant legal action taken against the perpetrators⁷⁵.

ICJ and ICC Jurisdiction on Crimes Against Internationally-Protected Persons

The ICJ and the ICC play a limited but important role in addressing crimes against Internationally-Protected Persons. The ICJ has jurisdiction over state disputes related to diplomatic protection, including cases where states fail to uphold their obligations under the Vienna Conventions⁷⁶. However, ICJ rulings are not always enforceable, as states can refuse to comply with decisions⁷⁷.

The ICC, on the other hand, has jurisdiction over crimes against Internationally-Protected Persons only when they fall under the categories of war crimes, crimes against humanity, or genocide. This excludes many politically motivated assassinations or attacks on diplomats, leaving them to be prosecuted under national laws, where enforcement is often inconsistent or politically influenced. The Khashoggi case demonstrated how powerful states can obstruct ICC jurisdiction by preventing international investigations.

⁷³ United Nations *Vienna Convention on Consular Relations*, 1963, *Ibid*.

⁷⁴ *Ibid*

⁷⁵ *Ibid*.

⁷⁶ *Ibid*.

⁷⁷ *Ibid*.

Major Challenges in Enforcing Legal Protections for Internationally-Protected Persons

Despite the existence of strong international legal frameworks such as the 1973 IPP Convention, the Vienna Conventions 1961 and 1963, and the jurisdiction of the ICC and ICJ, the enforcement of legal protections for Internationally-Protected Persons remains highly problematic. Crimes against Internationally-Protected Persons, including assassinations, embassy attacks, and politically motivated detentions, persist due to weak enforcement mechanisms, diplomatic immunity abuses, jurisdictional conflicts, and political interference. This section critically examines the major challenges that hinder the effective prosecution and enforcement of laws protecting Internationally-Protected Persons.

Diplomatic Immunity versus Criminal Accountability

One of the most significant obstacles to enforcing legal protections for Internationally-Protected Persons is the tension between diplomatic immunity and criminal accountability. Diplomatic immunity, as established under the Vienna Conventions (1961 and 1963), grants diplomats, consular officers, and high-ranking officials immunity from prosecution in their host country⁷⁸. This principle is intended to protect diplomats from politically motivated harassment and ensure that diplomatic functions are not disrupted by legal threats⁷⁹.

However, diplomatic immunity has been misused to evade justice, particularly in cases where Internationally-Protected Persons are involved in serious crimes such as murder, human rights violations, and state-sponsored assassinations⁸⁰. A key example is the Jamal Khashoggi assassination (2018), where Saudi officials, despite clear evidence of state involvement, escaped international prosecution due to diplomatic immunity and lack of enforcement mechanisms⁸¹. Similarly, the Sergei Skripal poisoning (2018) revealed how Russia invoked diplomatic immunity and state sovereignty to prevent its agents from being prosecuted for an attack carried out on foreign soil⁸².

Legal scholars argue that:

Diplomatic immunity should not extend to crimes such as murder, torture, or terrorism, and have proposed amendments to international

⁷⁸ *Ibid.*

⁷⁹ *Ibid.*

⁸⁰ *Ibid.*

⁸¹ *Ibid.*

⁸² *Ibid.*

treaties to allow for limited immunity in cases involving serious criminal offences⁸³.

However, states remain reluctant to reform diplomatic immunity laws, fearing that their own diplomats could be targeted for prosecution in politically motivated cases.

Jurisdictional Challenges in International Law

Jurisdictional conflicts pose a major barrier to prosecuting crimes against Internationally-Protected Persons, particularly when offences occur across multiple jurisdictions or involve state-sponsored actors. Unlike crimes committed within a single national legal system, crimes against Internationally-Protected Persons often involve complex jurisdictional disputes, making it difficult to determine which legal system has authority to prosecute the crime⁸⁴.

For example, in the Benghazi attack of 2012 where the U.S. Ambassador to Libya, Christopher Stevens, was killed in an armed assault on the U.S. diplomatic mission, jurisdictional issues prevented any significant legal action against the perpetrators⁸⁵. While the U.S. conducted extensive congressional investigations, Libya lacked the judicial capacity to prosecute the offenders, and international legal mechanisms were not effectively utilised.

Another challenge is that the ICC has only limited jurisdiction over crimes against Internationally-Protected Persons, as its mandate covers war crimes, crimes against humanity, and genocide⁸⁶. As a result, politically motivated assassinations, embassy attacks, or targeted killings of diplomats often fall outside the ICC's jurisdiction, leaving these cases to be prosecuted under national legal systems, where enforcement is often selective or politically influenced⁸⁷.

One proposed solution to jurisdictional conflicts is the expansion of ICC jurisdiction to explicitly include crimes against Internationally-Protected Persons, allowing international prosecution even in cases where states refuse to cooperate. However, state sovereignty concerns remain a major obstacle to such reforms.

⁸³ *Ibid.*

⁸⁴ *Ibid.*

⁸⁵ *Ibid.*

⁸⁶ Ansong (n 35).

⁸⁷ *Ibid.*

State Non-Compliance and Political Interference

Even when legal obligations to protect Internationally-Protected Persons exist, many states fail to comply with their treaty commitments due to political interference and diplomatic considerations⁸⁸. The non-enforcement of the 1973 IPP Convention is a clear example of this issue, as many states that have ratified the treaty do not implement it effectively in their domestic legal systems⁸⁹.

Political interference is particularly evident in cases where powerful states are accused of crimes against Internationally-Protected Persons. Governments often shield their own officials from prosecution, as seen in the Khashoggi case, where Saudi Arabia prevented international legal proceedings despite overwhelming evidence of government involvement⁹⁰. Similarly, Russia's response to the Skripal poisoning demonstrated how states can obstruct investigations and refuse to extradite suspects under the guise of state sovereignty⁹¹.

Another challenge is the failure of international organisations such as the UN to enforce compliance. While the UN can condemn attacks on Internationally-Protected Persons, it lacks binding enforcement power, as Security Council actions are often blocked by political alliances⁹². Strengthening UN enforcement mechanisms or establishing an independent tribunal for crimes against Internationally-Protected Persons has been proposed but faces significant political resistance⁹³.

Challenges in Investigating and Prosecuting Crimes Against Internationally-Protected Persons

Investigating crimes against Internationally-Protected Persons presents significant logistical and political challenges. Unlike ordinary criminal investigations, these cases often involve classified intelligence, diplomatic restrictions, and lack of access to critical evidence⁹⁴. Host countries may refuse to cooperate with international investigations, particularly in cases where state actors are involved⁹⁵.

⁸⁸ *Ibid.*

⁸⁹ *Ibid.*

⁹⁰ *Ibid.*

⁹¹ *Ibid.*

⁹² Y. Dong, *Privacy Act 2020 and its implications for internationally protected persons*, (Auckland University Law Review, 2020) <<https://www.nzlii.org/nz/journals/AukULawRw/2020/17.pdf>> accessed October 23, 2024.

⁹³ *Ibid.*

⁹⁴ *Ibid.*

⁹⁵ *Ibid.*

One major issue is the lack of specialised investigative bodies dedicated to handling crimes against Internationally-Protected Persons. While the ICC and ICJ handle cases involving war crimes and inter-state disputes, there is no independent international investigative body solely focused on IPP-related crimes⁹⁶. The establishment of a global investigative task force, possibly under the UN or ICC, has been proposed as a solution to improve accountability⁹⁷.

Furthermore, extradition challenges make it difficult to prosecute suspects in cases where states refuse to hand over accused individuals. The absence of a universal extradition agreement for crimes against Internationally-Protected Persons means that perpetrators often find refuge in countries that refuse to prosecute or extradite them⁹⁸. For example, Russian agents involved in the Skripal poisoning were never extradited, despite UK requests for legal action⁹⁹.

Case Law on Crimes Against Internationally Protected Persons

The application of international law to crimes against Internationally-Protected Persons has been inconsistent, often resulting in limited or no legal consequences for perpetrators. Despite the 1973 IPP Convention and other international legal frameworks, political interference, jurisdictional conflicts, and enforcement limitations have allowed many crimes against Internationally-Protected Persons to go unpunished. This section examines three high-profile cases—the Jamal Khashoggi Assassination, the Benghazi Attack, and the Sergei Skripal Poisoning to illustrate the weaknesses in the international legal system and the challenges in prosecuting crimes against Internationally-Protected Persons.

Jamal Khashoggi Assassination of 2018: Failure of International Law in Ensuring Accountability

The assassination of Saudi journalist Jamal Khashoggi inside the Saudi consulate in Istanbul on October 2, 2018, is one of the most high-profile violations of IPP protections in modern history. Khashoggi, a U.S. resident and journalist for The Washington Post, was lured into the consulate,

⁹⁶ *Ibid.*

⁹⁷ *Ibid.*

⁹⁸ *Ibid.*

⁹⁹ *Ibid.*

murdered, and dismembered by Saudi agents allegedly acting on orders from high-level Saudi officials¹⁰⁰.

Despite overwhelming evidence, including recordings from Turkish intelligence and an independent UN investigation, no international legal action was taken against the perpetrators. The case highlighted several critical failures in the international legal system:

- a. Lack of ICC Jurisdiction: The International Criminal Court (ICC) did not investigate the case because Saudi Arabia is not a signatory to the Rome Statute, and the crime did not fall under ICC's war crimes, genocide, or crimes against humanity jurisdiction¹⁰¹.
- b. Political Protection: Saudi Arabia shielded key suspects from prosecution, conducting a secretive domestic trial that convicted only lower-level operatives, while higher officials, including the Crown Prince, faced no consequences¹⁰².
- c. Diplomatic Immunity & State Sovereignty: Attempts to hold Saudi officials accountable under international law failed due to their diplomatic status, and no international tribunal had the power to prosecute¹⁰³.

Instead of legal prosecution, the case resulted in diplomatic and economic sanctions, such as travel bans and restrictions on arms sales to Saudi Arabia by some Western nations. However, these measures did not result in any real accountability for Khashoggi's murder¹⁰⁴.

Benghazi Attack of 2012: Legal and Political Ramifications of Attacks on U.S. Diplomats

On September 11, 2012, the USA consulate in Benghazi, Libya, was attacked, leading to the deaths of U.S. Ambassador Christopher Stevens and three other U.S. officials. The attack raised serious concerns about the enforcement of IPP protections and state obligations under international law¹⁰⁵.

The legal challenges in the case included:

¹⁰⁰ *Ibid.*

¹⁰¹ *Ibid.*

¹⁰² A. Sarvarian, *Investment arbitration and climate change: Contemporary challenges in international law*, (British Yearbook of International Law, 2024) 122-123.

¹⁰³ *Ibid.*

¹⁰⁴ *Ibid.*

¹⁰⁵ *Ibid.*

- a. No International Trial: The perpetrators were never brought before an international tribunal, as Libyan authorities lacked the legal infrastructure to prosecute, and no international legal body had jurisdiction over the attack¹⁰⁶.
- b. Jurisdictional Limitations: While the U.S. had national jurisdiction to investigate, it could not directly prosecute foreign nationals in Libya without Libyan cooperation¹⁰⁷.
- c. Political Interference: The attack became highly politicised in U.S. domestic politics, overshadowing efforts to seek international legal action¹⁰⁸.

Instead of legal prosecution, the U.S. conducted congressional investigations and imposed sanctions against terrorist groups in Libya. However, no high-profile legal action was taken against the perpetrators, and the attack remains one of the most controversial cases of IPP violations without legal accountability.

Sergei Skripal Poisoning of 2018: The Role of Sanctions versus Criminal Prosecution

The attempted assassination of former Russian double agent Sergei Skripal and his daughter Yulia in the United Kingdom (UK) on March 4, 2018) involved the use of Novichok, a military-grade nerve agent, allegedly deployed by Russian intelligence operatives¹⁰⁹.

The case illustrated significant legal and enforcement challenges:

- a. Limited Criminal Prosecution: Although the UK identified two Russian suspects, Russia refused to extradite them, claiming state sovereignty and lack of jurisdiction¹¹⁰.
- b. Diplomatic Immunity and Political Protections: The suspects, who allegedly traveled under diplomatic cover, could not be arrested while in Russia, highlighting the limits of international legal enforcement¹¹¹.

¹⁰⁶ *Ibid.*

¹⁰⁷ *Ibid.*

¹⁰⁸ <<https://academic.oup.com/bybil/advance-article-abstract/doi/10.1093/bybil/brae004/7649332>> accessed October 23,2024.

¹⁰⁹ <<https://www.ojs.jdss.org.pk/journal/article/view/74>> accessed October 23, 2024.

¹¹⁰ Sarvarian (n 76).

¹¹¹ Yi (n 34)

- c. International Sanctions as the Main Response: Instead of criminal prosecution, the UK and its allies imposed diplomatic sanctions, expelled Russian diplomats, and implemented economic restrictions¹¹².

Unlike traditional criminal trials, where perpetrators are arrested, tried, and convicted, the Skripal case saw legal action replaced by political and economic responses, with no individuals being held legally accountable.

Summary of Literature Gaps and Need for Research

The protection of Internationally-Protected Persons under international law remains inadequate, as legal frameworks often lack strong enforcement mechanisms, suffer from jurisdictional limitations, and face political interference. Despite the existence of the 1973 IPP Convention, the Vienna Conventions (1961 and 1963), and limited ICC jurisdiction, crimes against Internationally-Protected Persons continue to occur with minimal legal consequences. This section critically examines the gaps in the existing literature and the pressing need for further research.

Lack of Enforcement Mechanisms Under the 1973 Internationally-Protected Persons Convention

The 1973 Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons establishes state obligations to criminalise and prosecute offences against Internationally-Protected Persons¹¹³. However, the Convention lacks binding enforcement mechanisms, leading to widespread non-compliance among signatory states¹¹⁴.

Several key enforcement gaps exist:

- a. No centralised international enforcement body: Unlike the UN Security Council's authority over war crimes, there is no independent tribunal to oversee compliance with the IPP Convention¹¹⁵.

¹¹² Hao (n 31).

¹¹³ United Nations, Convention on the Prevention and Punishment of Crimes Against Internationally-Protected Persons, including Diplomatic Agents, adopted 14 December 1973, entered into force 20 February 1977, UNTS Vol. 1035, p. 167 (UN). 1973 (n 40).

¹¹⁴ <<https://kulawr.msal.ru/jour/article/view/226>> accessed October 23, 2024.

¹¹⁵ Yi (n 34).

- b*• Failure to criminalise IPP offences in domestic laws: Many states have not incorporated the IPP Convention into their national legislation, making prosecution difficult¹¹⁶.
- c*• No consequences for state non-compliance: Even when a country fails to prosecute crimes against Internationally-Protected Persons, there is no global mechanism to enforce compliance or impose penalties¹¹⁷.

The Jamal Khashoggi assassination (2018) highlighted these enforcement gaps, as Saudi Arabia, despite being a UN member, faced no legal action under the IPP Convention¹¹⁸. Without enforcement mechanisms, the Convention remains ineffective in preventing and punishing crimes against Internationally-Protected Persons.

Weak ICC Jurisdiction Over Crimes Against Internationally-Protected Persons

The ICC was established to prosecute war crimes, crimes against humanity, genocide, and aggression. However, crimes against Internationally-Protected Persons do not automatically fall under ICC jurisdiction, creating a significant gap in legal accountability¹¹⁹.

Key limitations of ICC jurisdiction in IPP cases include:

- a*• crimes against Internationally-Protected Persons are not explicitly listed under the Rome Statute, requiring a case to be reclassified as a crime against humanity or war crime to be prosecuted¹²⁰.
- b*• the ICC cannot prosecute state officials protected by diplomatic immunity, unless a UN Security Council referral is made, which is often blocked by political interests¹²¹.
- c*• many perpetrators operate in non-ICC member states, limiting the Court's jurisdictional reach¹²².

¹¹⁶ Zadi (n 33)

¹¹⁷ Walsh, (n 29)

¹¹⁸ <<https://academic.oup.com/bybil/advance-article-abstract/doi/10.1093/bybil/brae004/7649332>> accessed October 23, 2024.

¹¹⁹ Hao and others (n 31).

¹²⁰ Mudinyu (n 49).

¹²¹ *Ibid*.

¹²² <<https://link.springer.com/article/10.1007/s13132-024-02540-5>> accessed October 23, 2024.

For instance, the Skripal poisoning in the UK involved Russian state agents, but Russia, not being an ICC member, refused to extradite the suspects, rendering ICC intervention impossible¹²³. Similarly, the Benghazi attack saw no ICC involvement due to jurisdictional barriers, even though it resulted in the death of an American diplomat¹²⁴.

Without clear legal jurisdiction over crimes against Internationally-Protected Persons, the ICC remains an ineffective tool for ensuring accountability in such cases.

Limited Legal Action Due to Political Cover-ups and Diplomatic Immunity

Even when crimes against Internationally-Protected Persons occur with clear evidence, political cover-ups, diplomatic immunity, and lack of state cooperation obstruct legal action¹²⁵.

Several challenges undermine legal action:

- a• Diplomatic immunity prevents prosecution: The Vienna Conventions 1961 & 1963 grant broad immunity to diplomats and government officials, allowing perpetrators to avoid arrest or trial even when involved in serious crimes¹²⁶.
- b• Political alliances influence legal outcomes: Powerful states often intervene to block legal actions against their allies, as seen in the Khashoggi case, where Saudi officials were shielded from prosecution due to international political considerations¹²⁷.
- c• Lack of cooperation in investigations: Some states refuse to extradite suspects or share intelligence, making criminal prosecutions almost impossible¹²⁸.

¹²³ *Ibid.*

¹²⁴ <<https://www.ojs.jdss.org.pk/journal/article/view/74>> accessed October 23, 2024.

¹²⁵ C. Horne, M. Lloyd, & A. Pieper, *Explaining police misconduct in United Nations peacekeeping operations, 2010-2019*, (International Peacekeeping. Taylor & Francis).
<<https://www.tandfonline.com/doi/abs/10.1080/13533312.2022.2132233>> accessed October 23, 2024.

¹²⁶ United Nations 1961 (n 43) and United Nations 1963 (n 43).

¹²⁷ Sarvarian (n 76).

¹²⁸ Yi, (n 34).

For example, Russia refused to cooperate with UK authorities following the Skripal poisoning, despite overwhelming evidence implicating Russian intelligence agents¹²⁹. Similarly, the Benghazi attack investigation stalled due to Libya's unstable political environment and lack of judicial cooperation¹³⁰.

These legal and political obstacles ensure that perpetrators of crimes against Internationally-Protected Persons rarely face prosecution, reinforcing a cycle of impunity.

RESEARCH METHODOLOGY

This study critically examines the prevention and punishment of crimes against Internationally-Protected Persons under international law, focusing on the effectiveness, gaps, and enforcement challenges of existing legal frameworks. Given its legal nature, the research primarily adopts doctrinal legal research, supported by comparative legal analysis, case study analysis, and legal policy evaluation.

According to McConville and Chui¹³¹, doctrinal legal research is the most appropriate approach for analyzing laws and legal principles, as it focuses on the interpretation of primary legal sources. Furthermore, Salter and Mason¹³² emphasise that comparative legal research is essential for understanding how different legal systems address similar legal issues. Therefore, this study will integrate comparative legal analysis and case study methodology to evaluate real-world application and enforcement of laws protecting Internationally-Protected Persons.

Research Design

This study employs a qualitative legal research design, which focuses on analyzing legal texts, treaties, and case law without empirical data collection. Hutchinson and Duncan¹³³ note that qualitative legal research is appropriate when studying legal rules, court decisions, and policy implications. Given the

¹²⁹ Zadi (n 33).

¹³⁰ Hao and others (n 31).

¹³¹ M. McConville, & W.H. Chui, *Research Methods for Law*, (2nd ed., Edinburg University Press, 2017) 243

¹³² M. Salter, & J. Mason, *Writing law dissertations: An Introduction and Guide to the Conduct of Legal Research* (Pearson Education 2007) 197.

¹³³ T. Hutchinson, & N. Duncan, Defining and describing what we do: Doctrinal legal research, (*Deakin Law Review*, 17(1), 2012) 83-119.

lack of empirical data collection, this study relies entirely on documentary analysis of legal sources, as recommended by Bell¹³⁴ in legal research methodologies.

Research Methodology

The research methodology consists of four primary approaches, each justified with scholarly and legal references.

Doctrinal Legal Research

Doctrinal legal research, often referred to as "black-letter law" research, is the foundation of this study. According to Chynoweth¹³⁵, doctrinal research involves a detailed analysis of legal principles found in statutes, treaties, and judicial decisions.

This method is appropriate for this study because:

- a. It examines the binding international treaties on IPP protection, such as the 1973 IPP Convention¹³⁶.
- b. It analyses judicial decisions of the International Court of Justice (ICJ), ICC, and National courts.
- c. It identifies gaps and inconsistencies in international law, as recommended by Twining & Miers¹³⁷.

Primary Legal Sources

- i. International Treaties and Conventions:
 - a. 1973 Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents (UN Treaty Series, 1973)¹³⁸.

¹³⁴ F. Bell, You don't often create solutions in the law: Legal design in a small Australian law firm (2024) 1(1) *Legal Design Journal* 6.

¹³⁵ P. Chynoweth, Legal research. *Advanced Research Methods in the Built Environment*, <https://www.sps.ed.ac.uk/sites/default/files/assets/pdf/Legal_Research_Chynoweth_-_Salford_Uni.pdf> accessed October 24, 2024.

¹³⁶ United Nations, Convention on the Prevention and Punishment of Crimes Against Internationally-Protected Persons, including Diplomatic Agents, adopted 14 December 1973, entered into force 20 February 1977, UNTS Vol. 1035, p. 167 (UN). 1973 (n 40)

¹³⁷ W. Twining, & D. Miers, *How to Do Things with Rules*, (Cambridge University Press, 2010) 234.

¹³⁸ United Nations 1973 (n 6)

b. Vienna Convention on Diplomatic Relations 1961 (UN Treaty Series, 1961)¹³⁹.

c. Vienna Convention on Consular Relations 1963 (UN Treaty Series, 1963)¹⁴⁰.

ii. Judicial Decisions and Case Law

a. ICJ ruling on Diplomatic and Consular Staff in Tehran (US v. Iran, 1980)¹⁴¹.

b. ICC Prosecutor v. Al Bashir (2010) on head-of-state immunity (ICC Decision)¹⁴².

Secondary Sources

iii. Books and Journal Articles

a. *Research Methods for Law*¹⁴³.

b. *Writing Law Dissertations: An Introduction and Guide to the Conduct of Legal Research*¹⁴⁴.

Comparative Legal Analysis

Comparative legal analysis examines how different jurisdictions implement international laws on IPP protection¹⁴⁵. states that comparative legal research is useful in evaluating the effectiveness of legal systems across nations.

Countries Examined

a. United States: Analysis of US Diplomatic Security Act 1986 and its enforcement.

b. United Kingdom: Examination of UK responses to Sergei Skripal's poisoning¹⁴⁶.

¹³⁹ United Nations, *Vienna Convention on Diplomatic Relations*, 1961, <https://legal.un.org/ilc/texts/instruments/english/conventions/9_1_1961.pdf> accessed October 23, 2024.

¹⁴⁰ United Nations, *Vienna Convention on Consular Relations*, 1963 <https://legal.un.org/ilc/texts/instruments/english/conventions/9_2_1963.pdf> accessed October 23, 2024.

¹⁴¹ ICJ, *United States Diplomatic and Consular Staff in Tehran (United States v. Iran)*, Judgment of 24 May 1980.

¹⁴² ICC, *Prosecutor v. Omar Hassan Ahmad Al Bashir* 2010

¹⁴³ A. Watson, *Legal transplants: An approach to comparative law*, (University of Georgia Press,1993) 90.

¹⁴⁴ *Ibid.*

¹⁴⁵ *Ibid.*

¹⁴⁶ United Kingdom Parliament, *Report on the Russian Threat & Sergei Skripal Poisoning*, 2019, <<https://www.parliament.uk>> accessed October 23, 2024.

- c. Nigeria and African Union (AU): How African states incorporate IPP protections under ECOWAS and AU treaties.
- d. International Criminal Court: Jurisdiction over crimes against Internationally-Protected Persons.

Comparative Legal Sources

- *Legal Transplants: An Approach to Comparative Law.*

Case Study Analysis

Case studies provide practical examples of how international law is applied in real-world scenarios. According to Stake¹⁴⁷, case study research in legal analysis helps identify enforcement gaps.

Selected Case Studies

1. Jamal Khashoggi Assassination of 2018¹⁴⁸
 - a. Saudi journalist murdered inside a consulate.
 - b. Legal implications: Was international law enforced?
 - c. Source: *UN Report on Khashoggi's Murder 2019*
2. US Embassy Attack in Benghazi of 2012
 - a. Attack on American diplomatic personnel.
 - b. How did the US and international law respond?
 - c. Source: *US Congressional Report on Benghazi 2016* (US Senate Report).
3. Sergei Skripal Poisoning (UK 2018, UN Human Rights Council)¹⁴⁹.
 - a. Use of a nerve agent against a former diplomat.

¹⁴⁷ R. Stake, *The art of case study research* (Sage Publications, 1995) 128.

¹⁴⁸ United Nations Human Rights Council, *Report on the extrajudicial killing of Jamal Khashoggi* 2019, <<https://www.ohchr.org>> accessed October 24,2024

¹⁴⁹ United Kingdom Parliament, *Report on the Russian Threat & Sergei Skripal Poisoning* 2019, <<https://www.parliament.uk>> accessed October 24, 2024.

b. Was international legal action taken?

c. Source: *UK Parliament Report on Russian Threat 2019*¹⁵⁰.

Case Study References

a. *The Art of Case Study Research*. Sage Publications.¹⁵¹

b. *Case Study Research and Applications: Design and Methods*. Sage.¹⁵²

Legal Policy Analysis

This approach evaluates whether existing laws on IPP protection effectively deter crimes. Friedman argues that legal policy analysis helps identify areas needing reform¹⁵³.

Policy Reports Analysed

a. UN Secretary-General's Reports on Diplomatic Security 2019-2023.

b. ICC & ICJ Reports on State Compliance with IPP Protection.

Legal Policy References

a. *The Legal System: A Social Science Perspective*. Russell Sage Foundation.¹⁵⁴

b. *Researching and Writing in Law*.¹⁵⁵

Data Collection Method

This study relies exclusively on secondary data collection, a standard approach in doctrinal legal research. According to Abhulimhen-Iyoha, secondary data collection in legal research involves gathering and analysing primary legal sources (treaties, statutes, case law) and secondary legal sources (books, journal articles, and expert commentaries).¹⁵⁶ The primary data sources for this study include:

¹⁵⁰ *Ibid.*

¹⁵¹ Stake (n 17).

¹⁵² R.K. Yin, *Case study research and applications: Design and methods* (Sage Publications, 2018) 17.

¹⁵³ L. Friedman, *the legal system: A Social Science Perspective*, (Russell Sage Foundation, 2002) 66.

¹⁵⁴ *Ibid.*

¹⁵⁵ Hutchinson (n 3).

¹⁵⁶ *Ibid.*

Primary Data Sources

International Treaties and Conventions

- a• 1973 Convention on the Prevention and Punishment of Crimes Against Internationally-Protected Persons¹⁵⁷.
- b• Vienna Convention on Diplomatic Relations 1961¹⁵⁸.
- c• Vienna Convention on Consular Relations 1963¹⁵⁹.

Case Law & Judicial Decisions

- a• International Court of Justice: *United States Diplomatic and Consular Staff in Tehran (US v. Iran, 1980)*¹⁶⁰.
- b• ICC: *Prosecutor v. Omar Hassan Ahmad Al Bashir 2010* (ICC Decisions)¹⁶¹.

Secondary Data Sources

Books and Journal Articles

- a• *Doctrinal Legal Research*¹⁶².
- b• *Comparative Legal Analysis*¹⁶³.
- c• Stake (1995). *Case Study Research in Law*¹⁶⁴.
- d• *Methodology of Legal Doctrinal Research*¹⁶⁵.

Reports from International Organisations

¹⁵⁷ United Nations 1973 (n 6).

¹⁵⁸ United Nations 1961 (n 9).

¹⁵⁹ United Nations 1963 (n 10).

¹⁶⁰ ICJ, *United States Diplomatic and Consular Staff in Tehran (United States v. Iran)*, Judgment of 24 May 1980.

¹⁶¹ ICC, *Prosecutor v. Omar Hassan Ahmad Al Bashir*, 2010.

¹⁶² T. Hutchinson (n 3)

¹⁶³ See generally K. Zweigert, & H. Kötz, *An introduction to comparative law*, (Oxford University Press, 1998).

¹⁶⁴ Stake (n 17)

¹⁶⁵ J.B.M Vranken, *Methodology of legal doctrinal research*, (Tilburg University Research, 2010) 41.

- a· United Nations Human Rights Council: *Report on the extrajudicial killing of Jamal Khashoggi 2019*¹⁶⁶.
- b· United States Congress: *Benghazi Investigation Final Report 2016*¹⁶⁷.

This documentary method ensures validity and reliability by using established legal sources. This approach is endorsed by Peersman¹⁶⁸, who notes that secondary data in legal research provides deep insights without ethical concerns related to empirical data collection.

Data Analysis Method

The data analysis approach in this study follows the legal reasoning model, commonly used in doctrinal legal research. Schutz and Oliveira¹⁶⁹ emphasise that analyzing legal texts requires a structured approach to identify principles, gaps, and inconsistencies.

This study applies the following analytical techniques:

Content Analysis

Content analysis is an essential method in legal research that involves systematically examining legal texts, treaties, and case law to extract relevant legal principles and insights. This approach is particularly useful for identifying legal precedents, understanding judicial interpretations, and evaluating the effectiveness of international legal instruments. According to Peersman¹⁷⁰, content analysis in legal research allows researchers to identify patterns and legal interpretations by thoroughly reviewing primary legal documents. This method ensures that the study systematically assesses existing legal frameworks governing the protection of Internationally-Protected Persons, highlighting their strengths and weaknesses. By employing content analysis, this study critically examines the 1973 IPP Convention, the Vienna Convention on Diplomatic Relations 1961, and relevant case law from

¹⁶⁶ United Nations Human Rights Council. *Report on the extrajudicial killing of Jamal Khashoggi 2019*, <<https://www.ohchr.org/>> accessed October 24, 2024.

¹⁶⁷ United States Congress. *Benghazi Investigation Final Report.*, 2019, <<https://www.senate.gov/>> accessed October 24, 2024

¹⁶⁸ G. Peersman, *Content Analysis in Legal Research: Methods and Applications* (2014) 6(2) *European Journal of Legal Studies*, 45-68.

¹⁶⁹ G.E. Schutz, & M.H.B de Oliveira, Legal research in the health area: A methodological proposal for the primary data collection, (Electronic Journal of Health and Law Research, 2010) <<https://www.researchgate.net/publication/272739338>> accessed October 24, 2024.

¹⁷⁰ Peersman (n 38)

the ICJ and ICC to determine their effectiveness in preventing and punishing crimes against Internationally-Protected Persons.

Comparative Analysis

Comparative analysis is another essential method employed in this study to evaluate how different jurisdictions enforce laws relating to the protection of internationally protected persons. This method enables a cross-jurisdictional comparison of legal frameworks, highlighting differences in enforcement, compliance, and the effectiveness of punishment mechanisms. Watson¹⁷¹ asserts that comparative legal analysis is instrumental in identifying best practices and areas for legal reform. In this study, comparative analysis is applied to examine how countries such as the United States, United Kingdom, Nigeria, and international institutions like the ICC and ICJ address crimes against Internationally-Protected Persons. By comparing national and international responses to such crimes, this study seeks to identify legal gaps, enforcement challenges, and potential areas for improvement in international law.

Thematic Analysis

Thematic analysis is used to identify recurring themes and trends in legal texts, scholarly literature, and case law related to the protection of Internationally-Protected Persons. This qualitative analytical approach helps categorise legal arguments, enforcement issues, and patterns of state compliance or non-compliance with international legal instruments. Gallagher¹⁷² emphasises that thematic analysis in legal research aids in structuring legal arguments and understanding enforcement challenges. By applying this method, the study identifies key themes such as the adequacy of legal protections, the role of diplomatic immunity, jurisdictional limitations, and challenges in prosecuting crimes against Internationally-Protected Persons. This structured approach ensures that the study presents a rigorous evaluation of international legal frameworks, as recommended by Hanvey and Hanvey¹⁷³.

¹⁷¹ A. Watson, *Legal transplants: An approach to comparative law*, (University of Georgia Press, 1993) 157.

¹⁷² A.T. Gallagher, *The International Law of Human Trafficking*, (Cambridge University Press, 2009) 242

¹⁷³ C. Hanvey, *Young people: Research design, methods, and analysis*. Springer, <https://link.springer.com/chapter/10.1007/978-3-319-74612-8_2> accessed October 24, 2024.

Justification for the Research Methodology

The choice of doctrinal legal research, comparative analysis, and case study methodology is justified based on the nature of the research problem. These methodologies provide a structured approach to evaluating international legal frameworks, identifying gaps, and proposing reforms.

Legal Normativity

Doctrinal research is the most appropriate method for evaluating international legal norms governing the protection of Internationally-Protected Persons. According to Chynoweth¹⁷⁴, doctrinal research is essential for analysing legal rules, identifying inconsistencies, and assessing their practical application. Given that this study focuses on legal frameworks and case law, empirical methods such as interviews and surveys would be less relevant, as they do not provide a systematic analysis of binding legal instruments. The doctrinal approach enables a comprehensive examination of international treaties, judicial decisions, and scholarly interpretations.

Comparative Legal Evaluation

Comparative legal analysis is a critical tool in this study, as it enables a cross-jurisdictional examination of legal enforcement mechanisms. Watson¹⁷⁵ highlights that comparative research is fundamental in evaluating the efficacy of legal enforcement across different jurisdictions. By comparing the enforcement of IPP protection laws in the US, UK, Nigeria, and international courts such as the ICC and ICJ, this study provides a global perspective on legal effectiveness and best practices.

Case Study Approach

Case studies provide real-world insights into the practical application of international law. Stake¹⁷⁶ and Yin¹⁷⁷ emphasise that case study research is crucial in understanding how legal norms are applied in specific scenarios. This study examines key case studies, including:

¹⁷⁴ P. Chynoweth, Legal research. *Advanced Research Methods in the Built Environment*, <https://www.sps.ed.ac.uk/sites/default/files/assets/pdf/Legal_Research_Chynoweth_-_Salford_Uni.pdf> accessed October 24, 2024.

¹⁷⁵ Watson (n 41).

¹⁷⁶ Stake (n 17).

¹⁷⁷ Yin (n 22).

- a· The Jamal Khashoggi assassination to evaluate the role of diplomatic immunity in shielding perpetrators.
- b· The Benghazi attack to assess the effectiveness of legal responses to crimes against US diplomats.
- c· The Sergei Skripal poisoning to analyze how international law addresses crimes against former diplomats.

These case studies highlight the strengths and weaknesses of international legal protections, demonstrating their real-world impact.

Legal Policy Review

Legal policy analysis is necessary to evaluate the effectiveness of international treaties in protecting Internationally-Protected Persons. Friedman¹⁷⁸ argues that policy analysis is crucial in determining whether legal instruments achieve their intended objectives. This study assesses whether the 1973 IPP Convention and Vienna Conventions sufficiently deter crimes against Internationally-Protected Persons and ensure effective prosecution of offenders. By analysing state compliance and enforcement mechanisms, the study identifies gaps in international law and proposes reforms to enhance diplomatic security.

Thus, the combination of doctrinal legal research, comparative analysis, case studies, and legal policy review ensures a comprehensive and rigorous evaluation of the prevention and punishment of crimes against Internationally-Protected Persons under international law.

Ethical Considerations

Since this study relies exclusively on secondary legal sources, ethical concerns are minimal. However, adherence to academic integrity and research ethics is maintained through the following principles:

Academic Integrity and Proper Citation

All legal materials, treaties, case laws, and scholarly articles are properly cited and referenced to ensure academic credibility and originality. Hutchinson and Duncan¹⁷⁹ emphasise the importance of accurate

¹⁷⁸ Friedman (n 23).

¹⁷⁹ Hutchinson (n 3).

referencing in legal research to prevent plagiarism and uphold scholarly integrity. This study follows strict citation protocols, ensuring that all primary and secondary sources are acknowledged.

Non-Manipulation of Data

Legal research must maintain objectivity and neutrality. Peersman¹⁸⁰ highlights that secondary legal research should avoid selective citation to ensure an unbiased presentation of legal arguments. This study presents a balanced critique of international legal frameworks, avoiding any intentional omission or distortion of data.

Use of Reliable and Peer-Reviewed Sources

The study relies only on authoritative legal sources, including:

- a*• International treaties and judicial decisions from ICJ, ICC, and national courts.
- b*• Peer-reviewed books and journal articles from reputable legal scholars.
- c*• Reports from international organisations such as the United Nations and Human Rights Watch.

Schutz and Oliveira¹⁸¹ emphasise that using reliable and peer-reviewed sources enhances the credibility of legal research, ensuring that findings are valid and widely accepted.

Confidentiality and Non-Disclosure

Since this study does not involve human participants, interviews, or surveys, concerns regarding confidentiality and personal data protection do not arise. The study strictly analyzes publicly available legal documents and academic publications, ensuring compliance with research ethics guidelines. Additionally, the study does not publish or disclose any classified or restricted legal materials.

By adhering to these ethical guidelines, this study maintains academic credibility, objectivity, and compliance with best practices in legal research ethics, as recommended by Peersman¹⁸².

¹⁸⁰ Peersman (n 38).

¹⁸¹ Schutz (n 39).

¹⁸² Peersman (n 38).

RESULTS

This chapter presents the analysis and findings derived from the research conducted on the prevention and punishment of crimes against Internationally-Protected Persons under international law. The chapter examines the effectiveness of existing legal frameworks, identifies enforcement challenges, and evaluates the application of these frameworks in selected jurisdictions. The analysis is guided by thematic, comparative, and case study methods, focusing on core themes such as diplomatic immunity, enforcement mechanisms, jurisdictional limitations, state responsibility, and legal reforms.

The chapter is structured into five sections. The first section provides a thematic analysis of the legal principles and challenges associated with IPP protection. The second section offers a comparative analysis of the application of relevant international laws across different jurisdictions. The third section presents findings from selected case studies to illustrate practical challenges in IPP protection. The fourth section identifies key legal gaps and proposes reforms. The chapter concludes by summarizing the findings and their implications for international law and policy.

Thematic Analysis

Thematic analysis is employed in this study to identify patterns and trends within the legal frameworks governing the protection of Internationally-Protected Persons. This section presents the findings based on the analysis of international treaties, case law, policy reports, and scholarly literature. The analysis focuses on five key themes: diplomatic immunity, enforcement challenges, jurisdictional shortcomings, state responsibility, and legal reforms.

Diplomatic Immunity: Legal Protections and Misuse

Diplomatic immunity is a fundamental principle of international law, primarily established under the Vienna Convention on Diplomatic Relations 1961 and the Vienna Convention on Consular Relations 1963. It is designed to safeguard diplomatic agents from legal processes in host states, ensuring they can perform their duties without fear of harassment or undue interference. However, this privilege has, in certain instances, been exploited to shield individuals from accountability for crimes against Internationally-Protected Persons.

The analysis reveals that diplomatic immunity has been misused in high-profile cases, such as the Jamal Khashoggi assassination 2018¹⁸³, where Saudi officials invoked immunity to avoid international prosecution. Peersman¹⁸⁴ underscores the importance of balancing diplomatic immunity with accountability, particularly when grave crimes are involved.

Enforcement Challenges in IPP Protection

Effective enforcement of international law in relation to Internationally-Protected Persons remains a significant challenge. The 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons establishes the legal obligation of states to prevent and prosecute attacks against Internationally-Protected Persons. However, the convention lacks robust enforcement mechanisms, relying on domestic legal systems to implement its provisions.

The analysis indicates that state non-cooperation, political interference, and investigative challenges are primary obstacles to effective enforcement. For example, in the ICJ case of US v. Iran (1980), Iran's failure to protect American diplomatic personnel and its subsequent disregard for the ICJ's ruling illustrate the enforcement limitations of international law.

Jurisdictional Shortcomings in IPP-Related Crimes

Jurisdictional challenges pose significant obstacles to the prosecution of crimes against Internationally-Protected Persons. The Rome Statute of the International Criminal Court 1998¹⁸⁵ does not explicitly grant the ICC jurisdiction over such crimes unless they fall within the broader categories of genocide, war crimes, or crimes against humanity.

This study finds that jurisdictional limitations are often exploited by perpetrators to evade justice. For instance, in the Skripal poisoning case, the UK faced jurisdictional challenges in prosecuting the Russian agents involved, given Russia's refusal to cooperate and the absence of direct ICC jurisdiction.

¹⁸³ United Nations Human Rights Council. *Report on the extrajudicial killing of Jamal Khashoggi*, 2019, <<https://www.ohchr.org>> accessed October 25, 2024.

¹⁸⁴ G. Peersman, *Content Analysis in Legal Research: Methods and Applications* (2014) 6(2) *European Journal of Legal Studies* 45-68.

¹⁸⁵ See (n 7).

State Responsibility for IPP Protection

State responsibility is a fundamental aspect of international law, particularly concerning the protection of Internationally-Protected Persons. The ICJ ruling in *USA v. Iran* 1980 affirmed the obligation of host states to protect diplomatic personnel, regardless of political considerations.

The analysis reveals that while states acknowledge these responsibilities, compliance is often inconsistent, particularly in politically sensitive cases. In the Benghazi attack, for example, Libyan authorities struggled to investigate and prosecute perpetrators due to domestic instability.

Legal Reforms and Recommendations

Legal reforms are essential to strengthen the existing framework for IPP protection. The analysis highlights several scholarly recommendations and policy proposals for enhancing the effectiveness of international legal mechanisms.

Key recommendations include:

1. Amendment of the 1973 IPP Convention to include an enforcement protocol with a dedicated international monitoring body.
2. Expansion of ICC jurisdiction to cover crimes against Internationally-Protected Persons, either through an amendment to the Rome Statute or a specialised tribunal (*Gallagher, 2009*).
3. Development of international investigative partnerships to facilitate real-time data sharing and evidence gathering (*UN Secretary-General Reports, 2019–2023*).

Comparative Analysis of IPP Protection Across Jurisdictions

Comparative legal analysis provides insights into how different jurisdictions apply international legal frameworks in preventing and punishing crimes against Internationally-Protected Persons. This section compares the enforcement practices of the United States, the United Kingdom, Nigeria, and Saudi Arabia, focusing on their implementation of international treaties, domestic legal frameworks, and practical enforcement challenges. The analysis highlights key differences, identifies best practices, and reveals systematic gaps that hinder the effective protection of Internationally-Protected Persons.

Comparative Analysis of Legal Frameworks

The international legal framework for IPP protection primarily derives from the 1973 IPP Convention, Vienna Conventions 1961 and 1963, and Rome Statute 1998. However, states vary in their domestic implementation and enforcement practices. The analysis of the selected jurisdictions reveals distinct approaches to IPP protection, influenced by legal traditions, institutional capacities, and international obligations.

Comparative Analysis of Enforcement Practices

While international treaties provide uniform legal obligations, their enforcement varies across jurisdictions, due to differences in legal systems, institutional resources, and political will. This section evaluates how each jurisdiction enforces legal protections for Internationally-Protected Persons.

Comparative Analysis of Case Outcomes

The practical effectiveness of IPP protection frameworks is best assessed through case study analysis. The Khashoggi assassination, Benghazi attack, and Skripal poisoning (2018) serve as case examples to illustrate enforcement practices and their outcomes across jurisdictions.

Identification of Cross-Jurisdictional Trends

The analysis of legal frameworks, enforcement practices, and case outcomes reveals recurring patterns across jurisdictions.

Best Practices and Lessons Learnt

Despite these challenges, some jurisdictions have developed effective strategies for mitigating risks to Internationally-Protected Persons. This section identifies these best practices and proposes their potential adoption by other states.

Case Study Insights

The analysis of selected case studies provides a practical understanding of how international legal frameworks are applied to protect Internationally-Protected Persons. Case study analysis offers insights into the real-world challenges encountered when enforcing international laws, such as the 1973 IPP Convention and the Vienna Conventions 1961 and 1963.

This section presents findings from three significant case studies:

- a. The Jamal Khashoggi Assassination 2018 (*Saudi Arabia/Turkey*)

- b. The Benghazi Attack 2012 (*Libya/United States*)
- c. The Skripal Poisoning 2018 (*United Kingdom/Russia*)

Each case study examines the legal principles involved, enforcement actions taken, challenges encountered, and lessons learnt regarding the prevention and punishment of crimes against Internationally-Protected Persons.

Case Study 1: The Jamal Khashoggi Assassination 2018

The Jamal Khashoggi assassination represents one of the most high-profile attacks against an IPP in recent history. On October 2, 2018, Saudi journalist and Washington Post columnist Jamal Khashoggi was murdered inside the Saudi consulate in Istanbul, Turkey. The attack triggered international outrage and raised critical questions about the effectiveness of international legal protections for diplomats and other protected persons.

Case Study 2: The Benghazi Attack 2012

The Benghazi attack involved a militant assault on the US diplomatic mission in Benghazi, Libya, on September 11, 2012. The attack resulted in the deaths of four American personnel, including Ambassador J. Christopher Stevens. The incident exposed significant vulnerabilities in diplomatic security and highlighted enforcement gaps in protecting Internationally-Protected Persons during armed conflicts.

Legal Frameworks Involved:

- a. Vienna Convention on Consular Relations 1963 (*mandates the protection of diplomatic and consular premises*).
- b. 1973 IPP Convention (*criminalises attacks on diplomatic personnel*).

Key Events:

- a. Armed militants attacked the US diplomatic mission and nearby CIA annex.
- b. Libyan authorities failed to prevent the attack and struggled to investigate and prosecute perpetrators.
- c. US congressional investigations followed, but no international prosecutions were pursued.

Challenges Identified:

i. Weak Domestic Enforcement:

- a. Libyan authorities were unable to secure the consulate, demonstrating the limitations of domestic enforcement.
- b. Nigeria's legal framework shares similar weaknesses (*Criminal Code Act, 2004*).

ii. Jurisdictional Limitations:

- a. The US lacked jurisdiction to prosecute Libyan perpetrators.
- b. The ICC declined involvement, as the attack did not meet the threshold for crimes against humanity.

iii. Political Sensitivities:

- a. Libyan officials were reluctant to cooperate due to domestic political instability.
- b. The US government faced internal political pressures, which influenced the investigation's direction.

Lessons Learnt:

- a. Host states often lack the capacity to secure diplomatic premises, especially in conflict zones.
- b. Political dynamics significantly influence the investigation and prosecution of IPP-related crimes.
- c. International enforcement mechanisms must be enhanced to support states with limited resources.

Case Study 3: The Skripal Poisoning

The Skripal poisoning involved the attempted assassination of former Russian agent Sergei Skripal and his daughter Yulia Skripal in Salisbury, United Kingdom, in March 2018. The perpetrators used a Novichok nerve agent, raising global concerns about state-sponsored attacks on protected persons.

Legal Frameworks Involved:

- a. Vienna Convention on Diplomatic Relations 1961 (*grants immunity to diplomatic agents but prohibits abuse of such privileges*).
- b. Chemical Weapons Convention 1993 (*prohibits the use of chemical weapons in any circumstances*).

Key Events:

- a. UK investigators identified Russian military intelligence officers as the suspects.
- b. Russia denied involvement and refused to cooperate with the investigation.
- c. The UK imposed diplomatic sanctions, but no criminal prosecutions occurred.

Challenges Identified:

i. State Non-Cooperation:

- a. Russia denied the involvement of state actors and blocked mutual legal assistance requests.

ii. Jurisdictional Challenges:

- b. The UK lacked jurisdiction to prosecute suspects located abroad.
- c. The ICC could not intervene as the attack did not meet the Rome Statute criteria.

iii. Diplomatic and Political Fallout:

- a. The UK expelled Russian diplomats in response, but no legal accountability was achieved.

Lessons Learnt:

- a. State-sponsored attacks often exploit jurisdictional limitations to evade legal accountability.
- b. Diplomatic sanctions provide limited deterrence in the absence of judicial enforcement mechanisms.

- c. There is an urgent need for international cooperation protocols for investigating state-sponsored crimes against Internationally-Protected Persons.

Comparative Insights from Case Studies

The case studies analyzed reveal common patterns of legal challenges in the protection of Internationally-Protected Persons. These patterns demonstrate systemic weaknesses in the existing international legal framework.

Identification of Legal Gaps and Reforms

The analysis conducted in the preceding sections reveals significant gaps in the international legal framework governing the prevention and punishment of crimes against Internationally-Protected Persons. These gaps undermine the effectiveness of legal protections, creating vulnerabilities that can be exploited by perpetrators. This section identifies the key gaps observed during the thematic, comparative, and case study analyses and proposes reforms to address these shortcomings.

Identification of Key Legal Gaps

The findings, indicate that despite the existence of international legal instruments such as the 1973 IPP Convention, Vienna Conventions (1961 and 1963), and the Rome Statute (1998), crimes against Internationally-Protected Persons persist, due to weaknesses in enforcement, jurisdiction, and compliance. The analysis has identified the following key gaps:

I. Diplomatic Immunity Exploitation

Diplomatic immunity, while essential for diplomatic relations, has been exploited in several cases to obstruct justice. The Vienna Convention on Diplomatic Relations (1961) and the Vienna Convention on Consular Relations (1963) provide broad immunity to diplomats and consular officers. However, this legal protection has, in certain instances, shielded individuals responsible for crimes against Internationally-Protected Persons.

A. Case Evidence:

- a. *The Jamal Khashoggi assassination 2018*: Saudi officials invoked diplomatic immunity to avoid international prosecution.

- b. *The Skripal poisoning 2018*: Russian suspects evaded prosecution despite significant evidence of their involvement.

B. Impact:

- a. Perpetrators of IPP-related crimes exploit immunity provisions to evade legal accountability.
- b. International cooperation is hindered when states use immunity as a shield against investigations).

II. Weak Enforcement Mechanisms

The 1973 IPP Convention mandates that states take measures to prevent and punish crimes against Internationally-Protected Persons, but lacks specific enforcement provisions. It does not establish a supervisory body to monitor compliance or penalise non-compliance.

A. Case Evidence:

- a. *The Tehran hostage crisis of 1980*: Iran disregarded the ICJ ruling with no consequences.
- b. *The Khashoggi case 2018*: Saudi Arabia refused international cooperation without facing legal repercussions.

B. Impact:

- a. The absence of an enforcement mechanism undermines the credibility and effectiveness of the 1973 IPP Convention.
- b. Non-cooperative states face no legal or diplomatic consequences for ignoring their obligations under international law.

III. Jurisdictional Limitations

The Rome Statute 1998, which governs the jurisdiction of the (ICC), does not explicitly extend its mandate to crimes against Internationally-Protected Persons. Such crimes are prosecuted only when they fall under the broader categories of genocide, crimes against humanity, war crimes, or aggression.

A. Case Evidence:

- a. *The Skripal poisoning*: The ICC declined involvement, citing a lack of jurisdiction.
- b. *The Khashoggi assassination*: The ICC could not investigate due to jurisdictional limitations.

B. Impact:

- a. Perpetrators of IPP-related crimes operate with impunity, knowing international prosecution is unlikely).
- b. Jurisdictional complexities in transnational attacks create significant obstacles to prosecution.

IV. Political Interference and Non-Cooperation

Political interference remains a significant obstacle to the investigation and prosecution of crimes against Internationally-Protected Persons. State actors often obstruct international inquiries, citing national sovereignty or political considerations.

A. Case Evidence:

- a. *The Skripal poisoning 2018*: Russia refused to cooperate with UK investigators.
- b. *The Khashoggi assassination 2018*: Saudi Arabia dismissed UN recommendations for an international investigation.

B. Impact:

- a. Political interference undermines the integrity of legal investigations, delaying or obstructing justice.¹⁸⁶
- b. The lack of clear protocols for state cooperation weakens the overall effectiveness of international law.

¹⁸⁶ G. Peersman, *Content Analysis in Legal Research: Methods and Applications* (2014) 6(2) *European Journal of Legal Studies* 45-68.

Proposed Reforms to Strengthen IPP Protection

In order to address the identified legal gaps, this study proposes the following reforms based on legal scholarship, judicial practice, and international best practices.

I. Amend the 1973 IPP Convention to Include Enforcement Mechanisms

The 1973 IPP Convention requires an amendment to establish a monitoring and enforcement body. This body would oversee state compliance, facilitate international cooperation, and recommend sanctions for non-compliance.

A. Proposed Actions:

- a. Establish an International IPP Protection Authority.
- b. Introduce compliance monitoring protocols.
- c. Empower the IIPPA to recommend sanctions for non-compliance ¹⁸⁷

II. Extend ICC Jurisdiction to Crimes Against Internationally-Protected Persons

The Rome Statute 1998 should be amended to include crimes against Internationally-Protected Persons under the jurisdiction of the ICC.

A. Proposed Actions:

- a. Amend Article 5 of the Rome Statute to cover crimes targeting Internationally-Protected Persons.
- b. Develop guidelines for cross-border investigations.
- c. Establish cooperation protocols for state law enforcement agencies (*Gallagher, 2009*).

III. Established International Protocols for Cross-Border Cooperation

The lack of international cooperation in investigating IPP-related crimes necessitates the development of standardised protocols.

A. Proposed Actions:

¹⁸⁷ *Ibid.*

- a. Create a Global IPP Investigation Network (GIPPIN).
- b. Develop a secure data-sharing system for jurisdictions investigating transnational crimes.
- c. Enhance diplomatic training for host-state officials on IPP protection ¹⁸⁸.

Summary of Findings

This chapter has presented the findings of the study based on the analysis of legal texts, case law, policy reports, and scholarly literature regarding the prevention and punishment of crimes against Internationally-Protected Persons. under international law. The analysis employed doctrinal legal research, comparative legal analysis, case study evaluations, and thematic coding techniques to identify patterns, gaps, and potential reforms. The findings reveal significant challenges in the enforcement of legal protections for Internationally-Protected Persons, despite the existence of well-established international instruments such as the 1973 IPP Convention, the Vienna Conventions 1961 and 1963, and the Rome Statute 1998.

The thematic analysis highlighted four major challenges:

I. Diplomatic Immunity Exploitation:

- a. The broad immunity provisions granted under the Vienna Conventions have, in certain cases, been exploited to obstruct justice.
- b. The Khashoggi assassination 2018 illustrated how consular immunity was invoked to shield perpetrators from accountability.

II. Weak Enforcement Mechanisms:

- a. The 1973 IPP Convention lacks a dedicated enforcement body and clear sanctions for non-compliance.
- b. The ICJ ruling in the US Diplomatic Staff in Tehran case 1980 was ignored by Iran due to the absence of enforcement protocols.

¹⁸⁸ UN Secretary-General Reports, 2019–2023.

III. Jurisdictional Limitations:

- a. The ICC currently lacks jurisdiction over crimes against Internationally-Protected Persons, creating an accountability gap for state-sponsored attacks.
- b. The Skripal poisoning revealed how jurisdictional challenges hinder prosecutions when suspects operate across borders.

IV. Political Interference and Non-Cooperation:

- a. Political considerations often override legal obligations, leading to investigative delays and incomplete prosecutions.
- b. In the Benghazi attack, Libyan authorities struggled to cooperate with US investigators due to political and institutional challenges.

The comparative analysis demonstrated significant variations in enforcement practices across the United States, the United Kingdom, Nigeria, and Saudi Arabia. While the US and UK exhibit relatively robust domestic frameworks, they face limitations in extraterritorial enforcement. Nigeria's legal system is constrained by institutional weaknesses, and Saudi Arabia prioritises domestic legal processes over international cooperation.

The case study analysis further illustrated the practical limitations of the existing frameworks, emphasizing the need for structural reforms to enhance enforcement capabilities and jurisdictional coverage. Proposed reforms include amending the 1973 IPP Convention to introduce enforcement mechanisms, expanding ICC jurisdiction to cover IPP-specific crimes, and developing international cooperation protocols to facilitate cross-border investigations.

These findings collectively underscore the urgent need for international legal reform to address the vulnerabilities identified in this study and enhance the protection of Internationally-Protected Persons in a rapidly evolving geopolitical landscape.

CONCLUSION

This chapter presents a critical discussion of the findings derived from the analysis of the international legal framework for the prevention and punishment of crimes against Internationally-Protected Persons. The findings are examined in relation to the research objectives and questions to evaluate the

strengths and weaknesses of the existing legal instruments, including the 1973 IPP Convention¹⁸⁹, the Vienna Conventions (1961 and 1963)¹⁹⁰, and the Rome Statute (1998)¹⁹¹.

The chapter begins with a discussion of the key findings, focusing on the core challenges identified: diplomatic immunity misuse, weak enforcement mechanisms, jurisdictional limitations, and political interference. It then examines the implications of these findings for international law and policy. Based on the insights gained from the study, practical recommendations are proposed to address the identified gaps. The chapter concludes by highlighting the study's contributions to knowledge, suggesting areas for future research, and presenting the overall conclusions of the study.

Discussion of Key Findings

The first major finding of this study concerns the exploitation of diplomatic immunity. Diplomatic immunity, established under the Vienna Conventions (1961 and 1963), is intended to facilitate diplomatic relations by protecting diplomats and consular officers from undue interference. However, as this study demonstrated through cases like the Jamal Khashoggi assassination (2018) and the Skripal poisoning (2018), this immunity has, at times, been misused to obstruct justice.

Peersman¹⁹² similarly argues that diplomatic immunity has increasingly been exploited by state actors to avoid prosecution for IPP-related crimes. Aghababaei¹⁹³, in their comparative study of law enforcement practices, support this finding, noting that diplomatic immunity provisions are often manipulated to shield perpetrators of crimes against diplomats. However, Janamnuysook¹⁹⁴ present a contrasting view, suggesting that immunity provisions remain crucial for protecting diplomats in

¹⁸⁹ United Nations, Convention on the Prevention and Punishment of Crimes Against Internationally-Protected Persons, including Diplomatic Agents, adopted 14 December 1973, entered into force 20 February 1977, UNTS Vol. 1035, p. 167 (UN). 1973.

¹⁹⁰ United Nations, *Vienna Convention on Diplomatic Relations*, 1961, <https://legal.un.org/ilc/texts/instruments/english/conventions/9_1_1961.pdf> accessed October 23, 2024 and United Nations, *Vienna Convention on Consular Relations*, 1963 <https://legal.un.org/ilc/texts/instruments/english/conventions/9_2_1963.pdf> accessed October 23, 2024.

¹⁹¹ International Criminal Court, *Rome Statute of the International Criminal Court*, The Hague: ICC Publications 1998.

¹⁹² G. Peersman, *Content Analysis in Legal Research: Methods and Applications* (2014) 6(2) *European Journal of Legal Studies* 45-68.

¹⁹³ H. Aghababaei, A. Rezagholi, & M. Janipour, *A Comparative Study of Limits on the Use of Force by Law Enforcement Officers*, (*Journal of Legal Studies*, 2024) <https://jls.shirazu.ac.ir/article_7711_en.html?lang=fa> accessed October 26, 2024.

¹⁹⁴ R. Janamnuysook, D. Rosadiño, et al, *Breaking Barriers: Addressing Transphobia and Advancing Transgender Rights in the Asia-Pacific and Beyond*, (*International Journal of Legal Studies*, 2024), <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC11097620/>> accessed October 25, 2024.

politically unstable regions. They argue that restricting immunity could expose diplomats to retaliatory actions, particularly in conflict zones. This divergence underscores the need to strike a balance between immunity and accountability.

The second key finding relates to weak enforcement mechanisms under the 1973 IPP Convention. The study revealed that the Convention lacks an enforcement body and does not prescribe sanctions for non-compliance. This deficiency was evident in the Tehran Hostage Crisis (1980), where Iran disregarded the ICJ ruling without facing legal consequences. Gallagher similarly criticises the 1973 Convention for its limited enforceability, arguing that its reliance on state cooperation weakens its practical application¹⁹⁵. Amini and Bazzar further highlight how states frequently ignore their treaty obligations when political or economic interests are at stake¹⁹⁶. However, Mittal disagrees, asserting that enforcement mechanisms already exist through the ICJ and ICC but are underutilised due to political reluctance¹⁹⁷. This divergence suggests that strengthening procedural protocols within existing mechanisms might be more feasible than creating a new enforcement body.

The third significant finding pertains to jurisdictional limitations, particularly the ICC's lack of jurisdiction over crimes against Internationally-Protected Persons. This limitation became apparent in the Skripal poisoning case, where the UK could not prosecute Russian suspects without Russian cooperation. Gallagher supports the notion that international courts must extend their jurisdictional mandates to cover IPP-related crimes¹⁹⁸. Walker similarly argues that international law's failure to adapt to new forms of state-sponsored attacks has left diplomats vulnerable¹⁹⁹. However, Rezagholi and Aghababaei caution that expanding ICC jurisdiction without adequate safeguards could lead to political misuse²⁰⁰. This disagreement highlights the complexity of reforming international legal frameworks without compromising judicial impartiality.

¹⁹⁵ A.T. Gallagher, *The International Law of Human Trafficking*, (Cambridge University Press, 2009) 208.

¹⁹⁶ A. Amini, & V. Bazzar, *Assessing the Feasibility of Prosecuting the Assassination of General Soleimani at the International Criminal Court and the International Court of Justice*
<<https://en.qom.ac.ir/uploads/1/book/The%20Legal%20Implication.pdf#page=220>> accessed October 26, 2024.

¹⁹⁷ <<http://ijisar.com/wp-content/uploads/2024/07/Palak-Mittal.pdf>> accessed October 26, 2024.

¹⁹⁸ Gallagher (n 7).

¹⁹⁹ N.B Walker, *Background of Genocide*, In *The Routledge Handbook of Conflict and Peace Studies*.
<<https://books.google.com/books?hl=en&lr=&id=-8MgEQAAQBAJ>> accessed October 26, 2025.

²⁰⁰ *Ibid.*

The final finding concerns political interference and non-cooperation in IPP-related investigations. The Khashoggi assassination illustrated how Saudi Arabia prioritised domestic trials over international cooperation, hindering efforts to investigate and prosecute the perpetrators. Peersman²⁰¹ and Gallagher²⁰² both identify political considerations as persistent obstacles to international legal processes. Janamnuaysook extend this argument, noting that geopolitical rivalries often influence cooperation in cross-border investigations²⁰³. In contrast, Halim suggests that the politicisation of legal processes is sometimes necessary to protect national security interests²⁰⁴. This divergence indicates that cooperation protocols must balance the demands of state sovereignty with the imperatives of justice.

Overall, the findings of this study are largely consistent with existing research, particularly the works of Peersman²⁰⁵, Gallagher²⁰⁶, Amini and Bazzar²⁰⁷, and Walker²⁰⁸. However, divergent perspectives from scholars like Janamnuaysook²⁰⁹ and Halim²¹⁰ underscore the complexity of balancing diplomatic privileges with legal accountability. These findings affirm the need for reforms to the 1973 IPP Convention, expanded ICC jurisdiction, and enhanced international cooperation protocols.

Implications for International Law and Policy

The findings of this study have significant implications for international law and policy, particularly concerning the protection of Internationally Protected Persons. While international law provides a robust theoretical framework for safeguarding Internationally-Protected Persons, its practical application remains constrained by various legal, procedural, and political challenges. This section explores the implications of these findings for the development, enforcement, and evolution of international legal norms and policies. The implications discussed here align with established legal scholarship and underscore the need for critical reforms to enhance the effectiveness of existing frameworks.

²⁰¹ Peersman (n 4).

²⁰² Gallagher (n 7).

²⁰³ Janamnuaysook (n 6).

²⁰⁴ C.D. Halim, <<http://digilib.unila.ac.id/82300/>> accessed October 26, 2024.

²⁰⁵ Peersman (n 4).

²⁰⁶ Gallagher (n 7).

²⁰⁷ Bazzar (n 8).

²⁰⁸ Walker (n 11).

²⁰⁹ Janamnuaysook (n 6).

²¹⁰ Halim (n 16).

The first major implication of this study concerns the principle of diplomatic immunity. Diplomatic immunity, as enshrined in the Vienna Convention on Diplomatic Relations 1961 and the Vienna Convention on Consular Relations 1963, serves as a cornerstone of international relations by ensuring that diplomats and consular officials can perform their duties without external interference. However, this study has demonstrated that diplomatic immunity has been exploited in several cases, notably the assassination of Jamal Khashoggi in 2018, where Saudi officials invoked immunity to evade accountability. This misuse of immunity presents a challenge to the balance between protecting diplomatic personnel and ensuring accountability for crimes against Internationally-Protected Persons. Gallagher contends that diplomatic immunity provisions must be re-examined to prevent their misuse while maintaining diplomatic functionality²¹¹. The implication here is that international law must introduce exceptions to immunity, particularly when grave crimes, such as violence against Internationally-Protected Persons, are involved.

Secondly, the study reveals the existence of weak enforcement mechanisms within the 1973 Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons. The Convention, despite its relevance and foundational role, lacks a centralised enforcement mechanism or sanctions for non-compliance. This shortcoming became evident in the Tehran Hostage Crisis of 1980, where Iran disregarded the ICJ's ruling without facing any legal repercussions. Amini and Bazzar²¹² argue that the absence of enforcement provisions renders international legal instruments ineffective, as compliance remains contingent upon the political will of individual states. This finding implies a need for the establishment of an international oversight body, potentially under the auspices of the United Nations, to monitor state compliance with IPP protection obligations and to impose penalties for non-compliance.

The third significant implication pertains to the jurisdictional limitations faced by international courts in prosecuting crimes against Internationally-Protected Persons. The Rome Statute 1998 currently excludes crimes against Internationally-Protected Persons from the jurisdiction of the ICC, unless such crimes are part of a larger pattern of international crimes like genocide or crimes against humanity. This jurisdictional gap was apparent in the Skripal poisoning case of 2018, where UK authorities could not secure cooperation from Russian officials, and the ICC lacked jurisdiction to initiate proceedings.

²¹¹ Gallagher (n 7).

²¹² Bazzar (n 8).

Gallagher²¹³ and Walker²¹⁴ argue that this jurisdictional exclusion compromises the deterrent effect of international law. The implication is that the Rome Statute should be amended to explicitly include crimes against Internationally-Protected Persons within the ICC's jurisdiction. Such an amendment would enhance accountability and serve as a deterrent to future violations.

Political interference and non-cooperation present another critical implication for international law and policy. This study identified several cases, including the Khashoggi assassination and the Benghazi attack, where political considerations obstructed investigations. Peersman describes political interference as a persistent barrier to the impartial and effective application of international legal norms²¹⁵. In the Khashoggi case, Saudi Arabia's refusal to cooperate with Turkish investigators and international bodies illustrates how political interests can obstruct justice. The implication here is that international legal mechanisms must be insulated from political influence by establishing independent investigative bodies with mandates to handle cases involving crimes against Internationally-Protected Persons.

Additionally, the comparative analysis revealed significant variations in how different states implement international legal norms for IPP protection. The United States and the United Kingdom have established robust domestic legal frameworks, yet their ability to prosecute offenders located in foreign jurisdictions remains constrained. Nigeria, despite its formal commitment to international norms, struggles with institutional and resource limitations, while Saudi Arabia prioritises domestic prosecutions over international cooperation. Mittal highlights that such disparities create enforcement gaps that perpetrators can exploit. The implication here is that international institutions should promote harmonisation of national laws relating to IPP protection, potentially through model laws and international training programmes for law enforcement officials.

The study also underscores the growing role of state-sponsored violence in crimes against Internationally-Protected Persons. The Skripal poisoning, attributed to Russian military intelligence agents, exemplifies how state actors can leverage diplomatic cover to carry out attacks with impunity. Halim suggests that the increasing involvement of state actors in crimes against Internationally-Protected Persons necessitates a recalibration of international legal norms to address state

²¹³ Gallagher (n 7).

²¹⁴ Walker (n 11).

²¹⁵ Peersman (n 4).

responsibility more explicitly²¹⁶. The implication is that legal frameworks must extend beyond individual accountability to include state accountability, thereby reinforcing the principle of state responsibility for preventing and addressing crimes against Internationally-Protected Persons.

The broader implication of these findings is the necessity of reforming international law to adapt to evolving security challenges. In a world where diplomatic missions and personnel face increasing threats, international law must evolve to maintain its protective function. This evolution requires the development of more stringent protocols, improved cross-border cooperation mechanisms, and the establishment of a dedicated international body to oversee IPP protection efforts. Walker asserts that without these reforms, international law risks becoming increasingly disconnected from the realities of diplomatic practice²¹⁷.

Recommendations

This study reveals that the international legal framework governing the protection of Internationally-Protected Persons (IPPs) suffers from enforcement deficits, jurisdictional gaps, and political interference. In order to address these challenges, the following targeted reforms are recommended:

- i. the 1973 IPP Convention should be revised or amended to include binding enforcement provisions and establish a supervisory body, such as an International IPP Protection Authority (IIPPPA). This body would monitor compliance, investigate violations, and recommend sanctions, thereby transforming the Convention from a declaratory instrument to one with functional oversight.
- ii. the Rome Statute should be amended to include crimes against IPPs within the ICC's jurisdiction. This would close a critical legal gap that currently prevents international prosecution of state-sponsored or cross-border attacks on diplomats and other protected persons.
- iii. there should be a cross-border Cooperation UN-backed Protocol to guide international cooperation in investigating IPP-related crimes. This would address the frequent refusal of states to share evidence or extradite suspects, as seen in cases like the Khashoggi assassination.

²¹⁶ Halim (n 16).

²¹⁷ Walker (n 11).

- iv. there should be an amendment to the Vienna Conventions 1961 and 1963 to introduce a narrow legal exception for serious crimes against IPPs. This would prevent immunity from being misused as a shield for perpetrators of violent offenses.
- v. States should adopt model legislation aligned with international obligations on IPP protection. UN bodies such as the Office of Legal Affairs can facilitate technical assistance to promote legal uniformity and close implementation gaps.
- vi. Law enforcement and diplomatic security units should receive tailored training on IPP protection standards, response procedures, and international legal duties. Such programmes will enhance preventive capacity and professionalise response mechanisms.
- vii. there should be an establishment of an impartial commission under UN authority to investigate politically-sensitive crimes against IPPs. This body would enhance objectivity, prevent political interference, and ensure that states are held accountable when national processes fail.

Contributions to Knowledge

This study has contributed to knowledge in the following ways:

- a) the study has highlighted and analysed some practical challenges associated with enforcement of international legal protections for internationally-protected persons.
- b) the study established that there is need to review the Internationally-Protected Persons Convention to include enforcement mechanism and the creation of a supervisory body to address the longstanding enforcement gap rendering the convention less effective.
- c) The study established that there is a growing recognition of the role of political interference in the obstruction of justices in IPP-related crimes; examine cases where political considerations hindered investigation and subsequently fraught justices.

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