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**INTERNATIONAL LAW PERTAINING TO RAID OF  
BUILDING IN NORTHERN IRAQ**

WASHINGTON, DC – News reports today of a raid by U.S.-led forces in northern Iraq on a building alleged to be an Iranian consular office raised questions about the applicable international law. The **American Society of International Law (ASIL)** is a non-profit, non-partisan educational membership organization that provides information on international law. This briefing sets forth points of law and resources relevant to this unfolding story.

- There is a distinction between a diplomatic mission and a consular mission. A diplomatic mission (an embassy and its personnel) has broad functions aimed at protecting the interests of the sending state (nation) in the host state. A consular mission is more narrowly focused on furthering commercial, cultural, and scientific relations with the host state. There are separate multilateral treaties that set out the rules relating to diplomatic missions and consular missions, respectively: the 1961 Vienna Convention on Diplomatic Relations ([http://untreaty.un.org/ilc/texts/instruments/english/conventions/9\\_1\\_1961.pdf](http://untreaty.un.org/ilc/texts/instruments/english/conventions/9_1_1961.pdf)) and the 1963 Vienna Convention on Consular Relations

[http://untreaty.un.org/ilc/texts/instruments/english/conventions/9\\_2\\_1963.pdf](http://untreaty.un.org/ilc/texts/instruments/english/conventions/9_2_1963.pdf)).

- The Consular Convention (like the Diplomatic Convention) requires that a mission be established with the consent of the host state. (Consular Convention article 4.)  
Without that consent, the “mission” would not be entitled to the protections of the Convention.
- The Consular Convention, article 31, says that consular premises are “inviolable” (not subject to entry except with the permission of the sending state) to the extent provided in that article – which, on its face, prohibits only the authorities of the host state from entering the consular premises without consent. But it would seem that authorities of other states, acting within the territory of the host state at its invitation or with its acquiescence, would be subject to the same prohibition.
- The Consular Convention, article 41, says that consular officers shall not be liable to any form of restriction on their personal freedom except pursuant to a decision by a competent judicial authority.
- Article 55, paragraph 2, says that the consular premises shall not be used in any manner incompatible with the exercise of consular functions, but the Convention does not expressly authorize entry into the premises without consent even if the premises are being used for non-consular purposes. It is arguable, though, that in a time of armed conflict or insurrection, the Consular Convention’s protections could be suspended (and, if so, the premises could be entered) if the mission is being used for military or paramilitary operations and if there is an urgent need to neutralize the mission’s improper use. However, the usual remedy if consular privileges are being abused is for the host state to order the offending consular personnel to leave the

country. Consular Convention article 53, paragraph 3, says that their privileges and immunities subsist, even in the case of armed conflict, until they have had a reasonable time to leave the country.

For further resources or to speak with an ASIL expert on this issue, contact Sheila Ward, ASIL Manager of External Relations at [sward@asil.org](mailto:sward@asil.org) or 1-202-939-6018.

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