



INVIOABILITY UNDER FIRE: THE 2024 ISRAELI ATTACK ON IRANIAN CONSULAR PREMISES AND SYRIA'S STATE RESPONSIBILITY UNDER DIPLOMATIC LAW

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Abstract

The attack on Iran's consular premises in Damascus underscores significant legal challenges concerning the special duty of the receiving State to protect foreign representations. In international law, the protection of diplomatic and consular missions is a fundamental obligation of the receiving State, as regulated under the 1961 Vienna Convention on Diplomatic Relations and the 1963 Vienna Convention on Consular Relations. This research aims to analyze the obligations of Syria, as the receiving State, in protecting the consular premises of Iran in Damascus from third-party attacks based on diplomatic law. This research employs a normative legal research method with a descriptive approach, utilizing an analysis of international legal instruments, legal doctrines, and relevant State practices. The results indicate that Syria, as the receiving State, failed to fulfill its obligation to take all appropriate steps to protect the inviolability of the consular premises and the safety of consular officers. Such failure constitutes a breach of the protective obligations stipulated in Article 22 paragraph (2) of the 1961 Vienna Convention and Article 31 paragraph (3) of the 1963 Vienna Convention, specifically regarding the receiving State's duty to prevent any form of attack, damage, or disturbance of the peace of the consular mission. This research provides an academic contribution by strengthening the understanding of the nature of the receiving State's obligations in the context of consular protection as an obligation of conduct, as well as a practical contribution in affirming the standards of State responsibility within the context of modern armed conflict under diplomatic law.

Keywords: Consular Premises, Diplomatic Representative, Obligation, Protection, State.

Abstrak

Penyerangan terhadap tempat kedudukan Konsulat Iran di Damaskus oleh Israel menimbulkan persoalan hukum serius terkait kewajiban negara penerima dalam melindungi perwakilan konsuler asing. Dalam hukum internasional, perlindungan terhadap perwakilan diplomatik dan konsuler merupakan kewajiban fundamental negara penerima sebagaimana diatur dalam Konvensi Wina 1961 tentang Hubungan Diplomatik dan Konvensi Wina 1963 tentang Hubungan Konsuler. Penelitian ini bertujuan untuk menganalisis kewajiban negara Suriah sebagai negara penerima dalam melindungi tempat kedudukan Konsulat Iran di Damaskus dari serangan pihak ketiga berdasarkan hukum diplomatik. Penelitian ini menggunakan metode penelitian hukum normatif dengan pendekatan deskriptif melalui analisis terhadap instrumen hukum internasional, doktrin, dan praktik negara yang relevan. Hasil penelitian menunjukkan bahwa Suriah sebagai negara penerima tidak memenuhi kewajibannya untuk mengambil langkah-langkah perlindungan yang semestinya guna menjaga inviolabilitas tempat kedudukan konsulat dan keselamatan pejabat konsuler. Kegagalan tersebut merupakan pelanggaran terhadap kewajiban perlindungan sebagaimana diatur dalam Pasal 22 ayat (2) Konvensi Wina 1961 dan Pasal 31 ayat (3) Konvensi Wina 1963, khususnya terkait kewajiban negara penerima untuk mencegah setiap bentuk serangan, perusakan, atau tindakan yang merendahkan martabat perwakilan konsuler. Penelitian ini memberikan kontribusi akademik dengan

memperkuat pemahaman mengenai karakter kewajiban negara penerima dalam konteks perlindungan konsular sebagai obligation of conduct, serta kontribusi praktis dalam menegaskan standar tanggung jawab negara dalam situasi konflik bersenjata modern dalam hukum diplomatic.

Kata Kunci: *Kewajiban, Melindungi, Negara, Perwakilan Diplomatik, Tempat Kedudukan Gedung Konsulat.*

I. INTRODUCTION

1. Background

The principle of the Inviolability of the Premises of the Mission and Consular Premises constitutes the primary foundation of international law, enabling the conduct of peaceful and stable inter-state relations. This principle is deeply rooted in customary international law and is codified¹ in the Vienna Convention on Diplomatic Relations 1961 (VCDR) and the Vienna Convention on Consular Relations 1963 (VCCR). It imposes a stringent obligation upon the receiving State to ensure the security, tranquility, and dignity of foreign representations/missions.²

Article 22, paragraph (1) of the VCDR regarding diplomatic relations stipulates that the premises of a mission shall be inviolable; the agents of the receiving State may not enter them, except with the consent of the head of the mission. Paragraph (2) of this Convention also mandates a special duty to take all appropriate steps to protect the premises of the mission against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity.³

Article 31 of the VCCR regarding consular relations also regulates diplomatic immunity, specifically concerning consular premises, stating that the receiving State is under an obligation to take all appropriate steps to protect the consular premises against any intrusion or damage and to prevent any disturbance of the peace of the consular post or impairment of its dignity.⁴ Thus, the regulations concerning the inviolability of diplomatic and consular officers are clearly established by both the 1961 and 1963 Vienna Conventions.

Despite the existence of international legal frameworks governing the conduct of diplomatic representations, numerous incidents in practice continue to threaten the safety and security of diplomatic officials in the performance of their duties. One such instance, reported by Reuters, occurred on April 1, 2024, involving an airstrike—allegedly carried out by Israel—targeting the Iranian Consular premises in Damascus, the capital of Syria. Reuters reporters at the scene in the Mezzeh district observed emergency workers on the debris of a destroyed building within the diplomatic compound, adjacent to the main Iranian Embassy building.⁵

¹ Sumaryo Suryokusumo, *Hukum Diplomatik dan Konsuler*; (Jakarta: Tatanusa, 2013) p. 5

² Salomo Satrio Widuhung, "Tanggung Jawab Negara Penerima Terhadap Keselamatan Pejabat Diplomatik Menurut Vienna Convention on Diplomatic Relations 1961", *Lex Privatum* Vol. 5 No. 8, (2017), p. 2

³ Article 22, *United Nations, Vienna Convention on Diplomatic Relations*, 1961.

⁴ Article 31, *United Nations, Vienna Convention on Consular Relations*, 1963

⁵ Firas Makdesi, "Iran says Israel bombs its embassy in Syria, kills commanders". <https://www.reuters.com/world/middle-east/israel-bombs-iran-embassy-syria-iranian-commanders-among-dead-2024-04-01/> accessed on 26 September 2024.

Israeli forces launched an airstrike utilizing six projectiles from F-35 fighter jets in the Mezzeh area of Damascus, where the Iranian Embassy offices and the Iranian Consular premises are situated.⁶ The Israeli attack resulted in a total of 16 fatalities at the consular site, including Brigadier General Mohammad Reza Zahedi, and completely destroyed the Iranian Consular Premises in Damascus.⁷ The New York Times reported that four Israeli officials, speaking anonymously, confirmed that Israel was indeed behind the attack in Damascus, although they disputed the building's diplomatic status.⁸ The Iranian United Nations Mission described the attack as a crucial violation of the United Nations Charter, international law, and the fundamental principles regarding the inviolability of diplomatic and consular premises.⁹

2. Problem Formulation

Based on the background described above, the problems are formulated as follows:

1. What are the immunities and privileges granted to consular representatives under diplomatic law?
2. How is the protection of Consular Premises regulated under diplomatic law?
3. What is the obligation of the Syrian State in protecting the Iranian Consular premises in Damascus against the Israeli attack based on diplomatic law?

3. Methodology

This research employs a normative legal research method¹⁰, which aims to analyze the legal obligations of the receiving State in protecting foreign consular representations based on applicable international law. This method is applied by examining international legal norms governing the protection of premises and consular officers, specifically the provisions of the 1961 and 1963 Vienna Conventions, as well as relevant State doctrine and practice in the context of the attack on the Iranian Consular Premises in Damascus.

The approaches used include the statute approach, through a systematic analysis of relevant articles in the Vienna Conventions; the conceptual approach, by examining the concepts of inviolability, obligation of conduct, and State responsibility in diplomatic law; and the prescriptive approach, aimed at formulating normative standards regarding the protection measures that should be undertaken by a receiving State in conflict situations.¹¹

⁶ Erta Darwati. "Serangan Israel ke Konsulat Iran di Damaskus Picu Kecaman Rusia Hingga Negara Arab", <https://kabar24.bisnis.com/read/20240402/19/1754879/serangan-israel-ke-konsulat-iran-di-damaskus-picu-kecaman-rusia-hingga-negara-arab> accessed on 1 June 2025.

⁷ Tempo.co. "Korban Tewas Serangan Israel ke Konsulat Iran di Damaskus Menjadi 16 orang", <https://www.tempo.co/internasional/korban-tewas-serangan-israel-ke-konsulat-iran-di-damaskus-menjadi-16-orang-71006> accessed on 12 March 2025.

⁸ Abu Bakr Bashi, *et.al.* "3 Top Iranian Commanders Are Reported Killed in Israeli Strike in Syria". <https://www.nytimes.com/2024/04/01/world/middleeast/iran-commanders-killed-syria-israel.html?searchResultPosition=5> accessed on 26 September 2024.

⁹ Firas Makdesi, *Op.Cit.*

¹⁰ Kornelius Benuf, Muhammad Azhar, "Metodologi Penelitian Hukum sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer", *Jurnal Gema Keadilan* Vol. 7 No. 1, (2020) p. 23

¹¹ Riri Nazriyah, "Kewenangan Mahkamah Konstitusi dalam Menguji Peraturan Pemerintah Pengganti Undang-Undang", *Jurnal Hukum IUS QUIA IUSTUM*, Volume 17 No. 3, (2010), p. 386

The data sources consist of primary legal materials, including international conventions related to this research; secondary legal materials, such as books and scientific journals; and tertiary legal materials. The data collection technique is library research. The data collection tool is document research, conducted by collecting, reading, and analyzing primary, secondary, and tertiary legal materials.

The analysis of the Vienna Convention provisions is conducted through textual and contextual interpretation of the norms, reinforced by jurisprudential and doctrinal interpretation to assess the extent to which the receiving State's protection obligations were fulfilled or violated in the case of the attack on the Iranian Consular Premises in Damascus.

II. DISCUSSION & ANALYSIS

1. Immunities and Privileges Granted to Consular Representatives under Diplomatic Law

Although international conventions have established immunities for diplomats, many acts of violence still jeopardize their safety during the performance of their duties. Furthermore, the expansion of separatist movements globally often involves similar actions specifically targeting diplomats to achieve political objectives.¹² The granting of immunities to diplomatic officials originally stems from international custom.¹³ These privileges are an honour bestowed by the receiving State, based on reciprocity under the national law of the receiving State. The VCDR 1961 and VCCR 1963 govern diplomatic immunities.

Diplomatic immunities are classified into two categories: Inviolability and Immunity. The term Inviolability refers to protection or immunity from interference by government organs or the State apparatus of the receiving State, as well as freedom from any harmful disturbances, including the right to obtain protection from the receiving State's authorities. Meanwhile, Immunity refers to immunity from the jurisdiction of the receiving State's courts, both in criminal and civil matters.¹⁴

The term immunity refers to the condition where a foreign State, international organization, or certain individuals are outside the scope of the judicial jurisdiction and administrative authority of the receiving State.¹⁵ In the classic case of *Empson v. Smith*, the judge stated that "*it is elementary law that diplomatic immunity is not immunity from legal liability, but immunity from suit.*"¹⁶ This statement implies that members of a foreign diplomatic mission are not subject to

¹² Esther Warouw, "Tanggung Jawab Negara Melindungi Diplomat dan Gedung Perwakilan Asing (Studi Kasus: Kematian Duta Besar dan Pengrusakan Gedung Perwakilan Amerika Serikat di Benghazi Libya)", (Skripsi Sarjana Ilmu Hukum, Universitas Indonesia, 2013), p. 3.

¹³ Salomo Satrio Widuhung, *Op.Cit.* p.2

¹⁴ Retno Untari, Ahmad F. Choirullah, "Penerapan Hukum Terhadap Pejabat Diplomat yang Menyalahgunakan Hak Kekebalan dan Keistimewaan Diplomatik", *Jurnal Nalar Keadilan*, Vol. 4 No. 2, (2024), p. 41

¹⁵ Ni Putu Rai Yuliantini dan Charel Benindra Manurung, "Pelanggaran Hak Kekebalan Diplomatik Atas Pelecehan Seksual Yang Dilakukan Oleh Diplomat Korea Selatan di Santiago, Chile", *Justitia Jurnal Hukum*, Vol. 6 No 2, (2021), p. 205

¹⁶ Emilia Godwin Phenson, "International and National Approaches to Diplomatic Immunity and Criminal Accountability", *International Journal of Humanities Social Science and Management (IJHSSM)*, Vol. 5 No. 5, (2025), p.306.

legal proceedings in the receiving State. However, they remain under an obligation to respect and obey the laws of the State where they are stationed.¹⁷

Inviolability refers to Article 31, paragraphs (1-3) of the VCCR 1963, which governs the inviolability of consular premises, such that law enforcement officials may not enter the consular premises and other matters regulated therein.¹⁸ Consular premises are sites used by the consular representation of a sending State within the territory of the receiving State to perform consular functions, such as services to citizens, administrative affairs, and the development of non-political relations.¹⁹

The granting of immunities and privileges to consular officers is based on the theory of Functional Necessity,²⁰ which asserts that legal protection is provided not for the personal benefit of the individual, but to ensure the efficient performance of consular functions on behalf of the sending State. The physical protection of consular officers is specifically regulated in Article 40 of the VCCR 1963. This article obligates the receiving State to treat consular officers with due respect and to take all appropriate steps to prevent any attack on their person, freedom, or dignity.

The phrase "all appropriate steps" in Article 40 implies a due diligence standard. While the receiving State does not guarantee the absolute safety of consular officers in all situations, it is required to exert reasonable and proportionate efforts, consistent with known risks, to prevent immediate harm. The nature of these measures varies depending on the resources and needs of each State. Every State must exercise the same level of care in selecting the most appropriate measures.²¹ The deaths of 16 individuals, including senior Iranian commanders and consular staff, resulting from the airstrike in Damascus, raise fundamental questions regarding whether Syria took appropriate and adequate steps corresponding to the level of threat present in its territory.

The due diligence obligation requires the receiving State to deploy prevention, response, and post-incident handling measures that are reasonable and proportionate to the known threat level and the State's capacity.²² This obligation may include, among others, securing airspace, communicating known threat information, and providing specific protection for diplomatic and consular objects as inherently high-risk targets.²³

In the context of the Damascus attack, this obligation must be assessed based on the foreseeability of risk,²⁴ given the pattern of prior airstrikes and the

¹⁷ Article 41 (1), *United Nations, Vienna Convention on Diplomatic Relations* 1961

¹⁸ Article 31(1-3), *United Nations, Vienna Convention on Consular Relations* 1963

¹⁹ Article 5, *United Nations, Vienna Convention on Consular Relations*, 1963.

²⁰ Eileen Denza, *Diplomatic Law: Commentary on the Vienna Convention on Diplomatic Relations*, in Eyina and Dumle, "Theoretical Basis of Diplomatic Immunities and Privileges: Its Implications in International Politics", *Journal of Political Science and Leadership Research*, Vol. 10, No. 1, (2024), p. 61.

²¹ International Law Association. *Report of the Study Group on Due Diligence in International Law*. Johannesburg Conference. (London: International Law Association, 2016), p.22

²² International Law Commission, *Annex II: Due Diligence in International Law*, A/79/10. p. 148

²³ Eileen Denza, *Commentary on the Vienna Convention on Diplomatic Relations*, (London: Emeritus Fellow, All Souls College, Oxford, 2016), p. 144-145.

²⁴ Prisca Feihle, "Review of Alice Ollino. Due Diligence Obligations in International Law", *European Journal of International Law*, Vol. 34, Issue 4, (2023), p. 1044.

prolonged regional conflict escalation that rendered the capital and diplomatic missions foreseeable targets.²⁵ If the receiving State was aware of the risk and possessed the minimal capacity to act but failed to deploy all appropriate steps to prevent or minimize the danger, such failure may still give rise to State responsibility under international law, even if the harm was inflicted by a third party.

Unlike diplomatic agents who enjoy absolute inviolability (Article 29 VCDR 1961), consular officers have more limited inviolability. Per Article 41 VCCR 1963, a consular officer may be arrested or detained in the case of a grave crime and pursuant to a decision by a competent judicial authority.²⁶ However, this limitation provides no justification for a third party (in this case, Israel) to conduct a lethal airstrike, nor for the receiving State to permit such an attack. The protection obligation under Article 40 remains fully applicable against external threats, regardless of the officer's functional immunity status.

Iranian consular officials in Damascus held a fundamental right to personal inviolability, requiring Syria to provide active protection. The failure to prevent their deaths constitutes a violation of international law, provided no circumstances preclude the State's responsibility.

2. Protection of Consular Premises in Diplomatic Law

The core legal issue in the Damascus incident centers on the status of the building attacked. In diplomatic law, both premises of the mission and consular premises are physical manifestations of the sending State's sovereignty within the receiving State's territory. The destruction of the Iranian Consular Premises must be analyzed through the lens of Article 31 VCCR 1963. Consular premises, according to Article 1(j) of the VCCR 1963, are the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used exclusively for the purposes of the consular post.²⁷

This "used exclusively" requirement is a critical distinction from the definition of Premises of the mission in the VCDR 1961. Under the VCCR, if a building is used for mixed purposes—for example, as a consular office and partly for commercial activities or even non-consular military headquarters—the protection of inviolability applies only to the portion used for consular functions.²⁸ This creates a legal debate; if Israel claims the building was used for military planning (non-consular), the argument targets this exclusivity criterion. To date, no publicly accessible official documents from the Syrian Government explicitly state formal recognition of the Iranian Consular Premises' status in Damascus.

Nonetheless, recognition of the existence and legitimacy of the Iranian Consular Premises can be inferred implicitly from the official practices and attitudes of the Syrian Government. This is reflected in the official statement by the Syrian Foreign Minister, which categorically condemned the airstrike as an act of aggression and a violation of international law, as well as the presence of high-

²⁵ Council on Foreign Relations, (2025). *Conflict in Syria*. Global Conflict Tracker, accessed on <https://www.cfr.org/global-conflict-tracker/conflict/conflict-syria>?

²⁶ Article 41, *United Nations, Vienna Convention on Consular Relations*, 1963.

²⁷ Article 1, Chapter I (j), *United Nations, Vienna Convention on Consular Relations* 1963

²⁸ Femke Lamot, *The Inviolability of Consular Premises and the Right to Life: The Murder of Jamal Khashoggi*, (Gent: Ghent University, 2023), p. 25-27.

ranking Syrian officials in official activities related to the operations of the Iranian consular facility.²⁹

Furthermore, legal precedent establishes a presumption of status—that consular premises are assumed legitimate until the receiving State formally revokes recognition or declares another status—and the burden of proof for abuse of function is exceedingly heavy. Article 31 stipulates that the premises shall be inviolable in the sense that they may not be entered except with the consent of the head of the post.

Paragraph (3) of Article 31 VCCR 1963 establishes a fundamental obligation for the receiving State, namely a "special duty."³⁰ This term emphasizes that the standard of protection provided to foreign consular premises must be higher than the general security standards provided to private property or ordinary citizens. The receiving State must take proactive and preventive measures beyond ordinary police duties. In the *Tehran Hostages* case, the International Court of Justice (ICJ) described similar obligations in Article 22(2) of the VCDR 1961 as "*the most categorical obligations*" in interstate relations.³¹

One of the most significant differences between the VCDR 1961 and VCCR 1963 is the existence of the "fire exception" in Article 31(2) of the VCCR 1963. This article states that the consent of the head of the consular post may be assumed in case of fire or other disaster requiring prompt protective action. This provision indicates that the inviolability of consular premises is not as high as that of diplomatic missions or embassies, where agents of the receiving State are prohibited from entry under any circumstances without permission.³²

However, this exception is designed to protect consular premises from destruction (e.g., fire), not as a loophole to justify negligence toward attacks or the entry of parties seeking to destroy the building. In the context of the Damascus attack, this clause does not diminish Syria's obligation to prevent air or missile strikes, as such attacks are acts of hostility, not "disasters" requiring emergency assistance in the sense of the article. The destruction of consular premises by an airstrike clearly violates the spirit of this property protection, as it annihilates consular functions without due process or compensation.

3. The Obligation of the Syrian State in Protecting the Iranian Consular Premises in Damascus Against the Israeli Attack Based on Diplomatic Law

Based on information from the United Nations Treaty Collection, Syria (Syrian Arab Republic) acceded to the Vienna Convention on Consular Relations 1963 on October 13, 1978. Accession is an act whereby a State that did not sign the original text of an international treaty expresses its consent to be bound by it;³³ thus, the rights and obligations of said convention attach to the Syrian Arab Republic State.

²⁹ Firas Makdesi, "Iran says Israel bombs its embassy in Syria, kills commanders". <https://www.reuters.com/world/middle-east/israel-bombs-iran-embassy-syria-iranian-commanders-among-dead-2024-04-01/> accessed on 26 September 2024.

³⁰ Article 31 (3), *United Nations, Vienna Convention on Consular Relations* 1963

³¹ Malcolm Shaw, *International Law*, (Cambridge: Cambridge University Press, 2017), p. 396-397.

³² Article 31 (2), *United Nations, Vienna Convention on Consular Relations* 1963

³³ Article 2 (1)b, *United Nations, Vienna Convention on the Law of Treaties* 1969.

The incident illustrates a situation of international law violation by a State as explained in Article 2 of the Draft Articles on Responsibility of States for Internationally Wrongful Acts 2001, which states that an internationally wrongful act exists when two primary elements are met: the conduct is attributable to the State under international law, and the conduct constitutes a breach of an international obligation.³⁴

However, to establish a violation of international law giving rise to an obligation of reparation, it must be proven that Syria's failure to fulfill its obligation was an internationally wrongful act not justified by circumstances precluding wrongfulness. In international law, the distinction between an obligation of conduct and an obligation of result is fundamental. The majority of legal doctrine and jurisprudence establishes that the obligation to protect consular premises under Article 31(3) VCCR is an obligation of conduct, measured by the due diligence standard.³⁵

A State does not guarantee that damage will never occur. The State is only required to exert "all reasonable efforts," "adequate means," and "best efforts" to prevent damage. A violation occurs not merely because damage happened, but because the State failed to take the necessary and reasonable steps to prevent it.³⁶ The receiving State is not an insurer for the safety of consular premises. If the receiving State has implemented maximum security measures but an attack still penetrates the defenses due to technological sophistication or extraordinary force, the State cannot be held to have breached its obligation.

As affirmed in the *Genocide Case (2007)*, a State "cannot be under an obligation to succeed, whatever the circumstances." The phrase "appropriate steps" is elastic and depends on the risk context. In the *Tehran Hostages* case, the ICJ held Iran responsible for failing to take appropriate steps when it had the means at its disposal (military and police forces) to disperse demonstrators but failed to use them.³⁷

In the context of the F-35 airstrike on the Iranian Consular Premises, "appropriate steps" to prevent an airstrike would involve the use of air defense systems (anti-aircraft/missile) and early warning intelligence. If Syria's air defense systems were active but failed to intercept the missiles due to technological inferiority or electronic jamming, Syria could argue they deployed the "means at their disposal" but failed to achieve the result.

Technological failure against a superior military power does not automatically constitute a breach of due diligence. Conversely, if Syria deactivated its defense systems or allowed its airspace to be used without resistance (resembling the unwilling or unable doctrine), the element of negligence is met. Article 23 of the ARSIWA 2001 states that the wrongfulness of a State act is precluded if the act is caused by Force Majeure, defined as an "irresistible force" or an unforeseen

³⁴ Article 2, *United Nations, Articles on Responsibility of States for Internationally Wrongful Acts*, 2001.

³⁵ James Crawford, *State Responsibility: The General Part*, (Cambridge: Cambridge University Press, 2013), p. 148.

³⁶ Anne Peters *et.al.*, "Due Diligence: The Risky Risk Management tool in International Law, *Cambridge International Law Journal*, Vol. 9, No. 2, (2020), p. 127.

³⁷ *United States Diplomatic and Consular Staff in Tehran*, (United States of America v. Iran), ICJ Reports, 1980, p. 32.

event, beyond the State's control, making it materially impossible to perform the obligation.

In the *Corfu Channel* case (UK v. Albania, 1949), the ICJ held Albania responsible because a State has an obligation to provide a warning of known dangers in its waters. The Court affirmed:³⁸ "...every State's obligation not to allow knowingly its territory to be used for acts contrary to the rights of other States." Based on this, a State has an obligation to prevent its territory from being used for activities that harm other States.

Furthermore, the presence of military advisers within the consular premises does not automatically strip the premises of its international legal protection. Under Article 31(1) of the VCCR 1963, this protection is not conditional upon the composition of individuals inside the building, but rather attaches to the function and legal status of the consular premises itself. While Article 55(1) of the VCCR 1963 obligates the sending State not to use the consular premises in a manner incompatible with consular functions, alleged abuse never grants any State the right to use unilateral armed force. Violations of Article 55, if any, must be addressed through legal and diplomatic mechanisms, not military action.

A high-tech military airstrike, such as that by Israeli F-35s, is often categorized as an irresistible force in international law literature, especially if the victim State lacks the military capacity to repel it. If Syria was physically unable to stop the missiles, fulfilling the obligation to "prevent damage" becomes materially impossible. The law does not require the impossible (*ad impossibilia nemo tenetur*),³⁹ and since the attack originated from a third party, its execution was beyond the operational control of Syrian security forces.

Technically, Syria possesses one of the densest air defense networks in the Middle East. During the attack, the Syrian Arab Air Defense Force (SAADF) operated a combination of Soviet-era and modern Russian systems. Syria claimed to have downed several projectiles on April 1, but failed to stop the primary missiles that destroyed the building.

The success of limited interceptions suggests Syria was not entirely without defense capacity, but the failure to prevent the main attack could indicate a lack of maximum protection efforts rather than a lack of means. However, if the attack is qualified as an irresistible force under Article 23, Syria's conduct cannot be deemed an internationally wrongful act. Consequently, the obligation of reparation under Article 31 of ARSIWA would not arise, without prejudice to non-legal responsibilities or political and moral consequences.

III. CONCLUSION

1. Iranian Consular officials in Damascus possessed the right to personal inviolability, obligating Syria to protect them from physical attack (Article 40 VCCR). Their deaths serve as an indicator of a failure of protection, notwithstanding that their jurisdictional immunity is limited (functional).

³⁸ *Corfu Channel Case (United Kingdom of Great Britain and Northern Ireland v. People's Republic of Albania)*, Judgement of April 9th, 1949, ICJ Reports 1949, p. 22

³⁹ Article 61 Vienna Convention on the Law of Treaties, in Dörr O, Schmalenbach K. *Vienna Convention on the Law of Treaties: A Commentary*. First Edition (Berlin/Heidelberg: Springer Verlag, 2012). p. 1052.

2. Syria bears a special duty under Article 31(3) VCCR to protect the consular building. This is an obligation of conduct requiring the application of due diligence, not an absolute obligation of result. The fire exception in Article 31(2) does not diminish the obligation to protect against external attacks.
3. The determination of Syria's State responsibility depends on the application of Article 23 ARSIWA 2001 regarding Force Majeure. Given the sophisticated nature of modern airstrikes, the attack may be qualified as an irresistible force creating material impossibility for Syria to prevent the destruction of the Consular Premises. However, if it is proven that Syria possessed adequate air defense capacity and was negligent in operating those systems or ignored relevant intelligence, the Force Majeure defense fails, and the attribution of international responsibility becomes inevitable. Regardless of international responsibility, Syria maintains a post-incident obligation to restore the dignity of the consular mission and prevent further disturbances, in accordance with its continuous duty of protection.

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