

Examining the System of State Responsibility and Accountability for Embassies with Emphasis on the Armed Attack on the Embassy of the Republic of Azerbaijan in Tehran in 2023

Kaveh. Rezaei^{1*} 

¹ Phd Student of General International Law, Tehran Branch, Payam Noor University, Tehran, Iran

* Corresponding author email address: jafariashin@pnu.ac.ir

Received: 2025-02-03

Revised: 2025-04-01

Accepted: 2025-04-08

Published: 2025-12-03

According to international law, the actions and conduct of private individuals cannot be considered state conduct because these individuals do not hold any official position on behalf of the state. Therefore, the state is only responsible for the actions and conduct of its officials and representatives. Regarding the incident involving the armed attack on the Embassy of the Republic of Azerbaijan in Tehran in 2023, considering that the assailant acted out of personal hostility towards the Azerbaijani ambassador and carried out the shooting independently, the Islamic Republic of Iran responded decisively to the assailant from a legal and judicial perspective. Consequently, no responsibility can be attributed to the Islamic Republic of Iran. However, when private individuals act on behalf of a state or are perceived as acting under the authority of a state, their actions can be attributed to the state. Additionally, the state bears responsibility when it fails to take judicial action against perpetrators. Furthermore, the conduct of state officials is not attributable to the state if it pertains to their private lives rather than their official duties. Nevertheless, such actions can form the basis of state responsibility under international law if state authorities fail to anticipate, prevent, or punish such conduct. Public and state officials are also responsible for failing to fulfill their duties and for compensating damages caused by such failures.

Keywords: *International responsibility, private individual, legal entity, ambassador, embassy, armed attack, Republic of Azerbaijan.*

How to cite this article:

Rezaei, K. (2025). Examining the System of State Responsibility and Accountability for Embassies with Emphasis on the Armed Attack on the Embassy of the Republic of Azerbaijan in Tehran in 2023. *Interdisciplinary Studies in Society, Law, and Politics*, 4(4), 1-10. <https://doi.org/10.61838/kman.isslp.4.4.13>

1. Introduction

In international relations, similar to social relations, anyone who infringes upon another's legal interests in the international community is held responsible. International responsibility is typically associated with states, which are the most significant entities in international law, while other entities such as international organizations and, in certain cases, individuals, are relatively isolated. State responsibility is based on two fundamentally different grounds: responsibility for violating international obligations

(fault-based responsibility) and responsibility for damages arising from internationally lawful acts (risk-based responsibility).

In the realm of international responsibility law, the greatest focus is placed on the responsibility of states, as ensuring that the laws governing state responsibility are based on accurate legal frameworks and resolving existing ambiguities can facilitate the establishment of the rule of law in the international community. Regarding the attack on the Azerbaijani ambassador in Iran, which is the subject of this article, it was in fact an



armed attack on the Embassy of the Republic of Azerbaijan in Tehran, carried out on the morning of January 27, 2023. In this incident, an armed individual infiltrated the embassy with a Kalashnikov rifle, killing Mr. Orkhan Asgarov, the head of embassy security, and injuring two others. However, this act was condemned by the Iranian government and the ruling system, and the perpetrator was not supported by Iran. Therefore, no international responsibility can be attributed to the Islamic Republic of Iran in this case.

From an international perspective, a state is not responsible for the actions of individuals who do not represent it or act on its behalf, but under international law, a state may be held responsible for violations of international law committed by individuals whose conduct can be attributed to the state. State responsibility for damages caused to foreigners is limited to acts committed by state agents and representatives.

From the perspective of international law, the governing treaty regarding diplomatic and consular relations is the *Vienna Convention on Consular Relations* (1963), to which Iran acceded on February 23, 1975, following its ratification by the Iranian parliament. According to Article 9 of the Iranian Civil Code, provisions of treaties concluded between Iran and other countries in accordance with the Constitution have the force of law and must be observed by all institutions and citizens, similar to any other law.

Article 31 of the Convention, titled "Inviolability of Consular Premises," imposes certain obligations on the receiving state. Paragraph 1 states that "Consular premises shall be inviolable to the extent provided in this article," which also applies to acts such as graffiti on embassy walls. Paragraph 2 specifies that even the entry of postal officers into diplomatic premises requires formal procedures: "The authorities of the receiving State shall not enter that part of the consular premises which is exclusively used for the purposes of the consular post except with the consent of the head of the consular post or his designee or the head of the diplomatic mission of the sending State. However, in the event of fire or other disasters requiring immediate protective action, it shall be presumed that such consent has been given."

The most critical provision is found in Paragraph 3, which states: "The receiving State shall 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" (United Nations, 1963). Despite the security measures implemented by embassies, such as multiple entry barriers and security cameras, host country police maintain a 24-hour presence around these premises through diplomatic police units, which even prevent photography of embassy walls. The fact that graffiti was repeatedly written on all walls of an embassy within a few weeks despite media coverage raises questions. The failure of the diplomatic police, despite their 24-hour presence and extensive surveillance, to prevent or apprehend the individuals responsible, requires clarification from law enforcement authorities.

Some of the graffiti included insults directed at the British ambassador, which constitutes a criminal offense. According to Article 517 of the Islamic Penal Code (Discretionary Punishments Section), "Anyone who publicly insults the head of a foreign state or its political representative who has entered the territory of Iran shall be sentenced to one to three months of imprisonment, provided that reciprocal treatment is accorded to Iran in the respective country" (Islamic Penal Code, 1996). The application of this article, however, is subject to a complaint by the foreign state's political representative. Nevertheless, as long as an ambassador has not been declared *persona non grata* and expelled, the host state is obliged to protect and respect them (Vienna Convention, 1963).

States are not responsible for damages resulting from revolutions and popular uprisings beyond their control, but revolutionary governments are responsible for damages caused to foreigners by revolutionary actions before gaining power.

International responsibility generally pertains to states as the primary entities in international law, though it cannot be entirely separated from other subjects of international law, such as international organizations and, in certain cases, individuals. State responsibility also rests on two distinct foundations: damages caused by acts not prohibited under international law (risk-based responsibility) and responsibility for breaching international obligations (fault-based responsibility). International obligations are generally created in two forms: the obligation to perform certain acts and the

obligation to refrain from acts prohibited under international law.

State responsibility arises when a state violates its obligations under international law through acts or omissions, provided that such conduct is attributable to the state. Therefore, the aim of this study is to examine the risk and fault theories and the basis of state responsibility from the perspective of international legal consequences.

2. Definitions and Concepts

2.1. *Literal Meaning of Responsibility*

The term “responsibility” in its literal sense means accountability and being held answerable. A “responsible” person is someone from whom an explanation or justification is sought. The term “responsibility” is a derived noun from “responsible,” meaning guarantee, obligation, commitment, accountability, and being liable for something or someone (Moshrefi, 2017).

2.2. *Terminological Meaning of Responsibility*

The terminological meaning refers to how jurists have employed this term. Responsibility is defined as the compulsion and obligation of a person to compensate for the damage inflicted upon another, for which they are held liable.

One legal scholar has described responsibility as a legal relationship arising from a harmful act or omission, which is extinguished either by the fulfillment of the responsible party’s obligation or through the imposition of a penalty. This scholar also views responsibility as a state in which a person is legally obliged to compensate for the damage caused to another due to their own fault. Some jurists have asserted that civil liability arises when someone is required to remedy the consequences of damages inflicted upon another.

2.3. *Definition of Ambassador*

An ambassador is the highest-ranking official representative of one state to another state or an international organization. The primary mission of an ambassador is to defend the rights of their country’s citizens in the host country (Vienna Convention on Diplomatic Relations, 1961). Additionally, all matters

concerning the citizens of one country in another are handled by the respective embassy. Simply put, an ambassador is a resident political representative of one country in another (Ghamami, 2016; Jafari Langarudi, 2023).

2.4. *Definition of Diplomatic Law*

Diplomatic law is a significant branch of international law that governs diplomatic relations between states and strengthens friendly relations among them. In other words, diplomatic law pertains to the legal framework governing embassies and their members.

In the international arena, disputes and issues may arise between two countries, threatening their mutual interests. In such situations, resorting to diplomatic solutions is essential and vital as it addresses the needs of both parties for the peaceful settlement of disputes.

In a broad and simple definition, diplomatic law can be described as the body of rules that underpins the system of foreign political relations between states.

2.5. *Definition of Embassy*

An embassy is the permanent or temporary diplomatic mission of one country in another. Often, the residence of the ambassador or representatives of foreign governments is located within the embassy premises (Safaei & Hosseini, 2019).

According to the *Vienna Convention on Diplomatic Relations* (Articles 22, 24, and 30), embassies, their archives, documents, and the residences of diplomatic agents enjoy political immunity (Vienna Convention on Diplomatic Relations, 1961).

2.6. *International Responsibility*

In international relations, as in social relations, the actions of any individual can result in the legal responsibility of others within the international community. International responsibility is generally associated with states as the most significant entities in international law, but it also applies to other subjects of international law, such as international organizations and, in certain cases, individuals.

Various interpretations of international responsibility exist, often complementing each other. Some scholars describe international responsibility as a consequence of violating global duties and obligations. Others view the

purpose of responsibility as compensating the victim, while some jurists include the concept of reparation whenever international responsibility is discussed.

One such scholar, Professor Badouin, defines international responsibility as a legal institution that obligates a state responsible for an international wrongful act to compensate the injured state in accordance with international law (Ziaei Bigdeli, 2022). This has led some international law scholars to consider reparation as one of the primary elements of state responsibility.

For instance, Malcolm Shaw asserts that damage is a necessary condition for the realization of international responsibility and believes that responsibility arises if there is a harmful breach of an international obligation. However, upon closer examination, it seems that requiring damage as a condition for responsibility is redundant. On the one hand, the breach of an international obligation inherently implies harm, and on the other hand, the occurrence of damage does not always entail international responsibility.

In a comprehensive definition, international responsibility can be described as an obligation arising from the violation of international obligations by one of the subjects of international law, with the violator being required to compensate for the damage caused by the breach.

3. Types of International Responsibility

3.1. Direct Responsibility

Direct international responsibility arises when an act contrary to international law is directly committed by one of the state's organizations (whether civil or military), its employees, agents, or even private individuals residing within the state. In the case of the attack on the Ambassador of the Republic of Azerbaijan, the act was perpetrated by an ordinary resident of the host country, Iran.

3.2. Indirect Responsibility

Indirect international responsibility occurs when a state is held responsible for the violation of international regulations by another state or territory, provided that a specific legal relationship exists between them. This includes cases such as responsibility arising from the

actions of member states within a federal system or the responsibility of a colonial power for acts committed by its colonies that violate international law.

4. Governing Regulations on International Responsibility with Emphasis on the Responsibility for Safeguarding Embassies

Under international law, host countries are responsible for ensuring the security of foreign embassies and must not allow the safety of resident diplomats to be compromised by international tensions under any circumstances (Vienna Convention on Diplomatic Relations, 1961). International responsibility has evolved since the failed efforts at the Hague Conference on the Codification of International Law in 1930. Beginning in 1969, the International Law Commission (ILC) of the United Nations, under the reports of Professor Roberto Ago, commenced drafting articles on state responsibility, which were adopted by the Commission in 1980 but have not yet been converted into international treaties.

In addition to general international legal obligations, numerous treaties address state responsibility in specific contexts, including:

(a) The Fourth Hague Convention of 1907 on international responsibility for acts committed by armed forces (Hague Convention IV, 1907).

(b) The Brussels Treaty of May 25, 1962, and the Vienna Convention of May 19, 1963, concerning international responsibility of states for nuclear activities (Brussels Treaty, 1962; Vienna Convention on Civil Liability for Nuclear Damage, 1963).

(c) The Agreement of January 27, 1967, and the Convention on International Liability for Damage Caused by Space Objects of March 29, 1972, regarding state obligations for launching objects into outer space (Outer Space Treaty, 1967; Liability Convention, 1972).

(d) The International Convention of November 29, 1969, on the Prevention of Marine Pollution by Oil (International Convention on Civil Liability for Oil Pollution Damage, 1969).

Beyond these treaties, contemporary regulations governing international responsibility encompass both customary international law and international judicial precedents. The role of legal doctrine in this area should also not be overlooked.

The principle of state non-responsibility for the actions of individuals can be attributed to contradictory provisions (Articles 8, 9, and 11) of the ILC's final draft on state responsibility.

4.1. *Article 8 – Conduct Directed or Controlled by a State:*

Under international law, the conduct of a person or group is attributable to the state if they act under the direction, control, or instruction of the state (International Law Commission, 2001).

4.2. *Article 9 – Conduct Carried Out in the Absence or Default of Official Authorities:*

The conduct of a person or group acting as part of the state in the absence or default of official authorities is considered an act of the state under international law (International Law Commission, 2001).

4.3. *Article 11 – Conduct Acknowledged and Adopted by a State:*

A state is held responsible if it acknowledges and adopts conduct attributed to it under the preceding articles (International Law Commission, 2001).

The assertion that a state cannot be held responsible for the actions of private individuals does not imply that a state is never liable for such actions. As noted in Article 11(2) of the ILC's draft on state responsibility and Articles 8, 9, and 11 of the final draft, a state may be held accountable under certain circumstances.

To better understand international responsibility regarding embassies, one can consider the hypothetical scenario of an attack on our country's embassy in Denmark. Just as we would not tolerate any failure by Danish law enforcement to ensure the security of our embassy, other countries whose embassies are attacked in our territory by individuals or entities would similarly be dissatisfied with our state's assurances of security. Therefore, it is imperative that the security of embassies in our country be ensured with the utmost diligence.

5. Foundations of International Responsibility

International law scholars and jurists have expressed differing opinions on the foundation of international responsibility, aiming to establish a solid basis for this concept. The foundation of international responsibility is

grounded in two fundamental theories: the fault theory, also known as subjective responsibility, and the risk theory, also known as objective responsibility.

5.1. *Analysis of the Fault and Risk Theories with Emphasis on the Embassy Attack*

State responsibility, like domestic legal responsibility, is based on two distinct grounds: responsibility for violating international treaties (negligence-based responsibility) and responsibility for damages resulting from acts that are not in violation of international law.

In both cases, embassies may hold the host state internationally responsible if the state fails to prevent violations or support their protection. Regarding responsibility for acts of torture, scholars have presented two differing views. The first group considers wrongful acts committed with malicious intent as "crimes," arguing that responsibility arises only when an illegal act is performed with bad intent or gross negligence. For instance, a dissenting judge in the *Corfu Channel Case* argued that no wrongful act can be established unless it is committed intentionally, with malice or culpable negligence (International Court of Justice [ICJ], 1949).

The second group focuses on the violation of international law without requiring malicious intent, emphasizing that the element of intent is irrelevant for establishing responsibility. This view appears more accurate, as the first approach is overly restrictive and inconsistent with the principles of human responsibility under international law.

The International Law Commission's (ILC) final draft, in Article 1, endorses the latter theory by stating that any wrongful act of a state under international law entails its international responsibility (International Law Commission, 2001). Responsibility, in this sense, is defined as the obligation of a state to compensate for damages resulting from its failure to meet international obligations, thereby linking the state's unlawful acts with legal consequences.

In international civil law, state responsibility arises from wrongful acts, including acts or omissions that breach obligations. However, technological advancements have enabled states' lawful activities to cause harm or pose risks to other states' citizens and properties, leading to debates over the absoluteness of fault-based

responsibility and the relevance of risk-based responsibility in international law.

International obligations are recognized under the risk theory when a causal link exists between a state's actions and the damages suffered by another state. In 1969, the ILC's report to the General Assembly, summarizing Roberto Ago's work on state responsibility, acknowledged that responsibility for damage arises from unlawful acts other than war, including lawful activities with harmful consequences, such as space exploration and nuclear activities (International Law Commission, 1969).

In 1978, the ILC incorporated the issue of international responsibility for harmful consequences of lawful acts into its work program, and by its 53rd session in 2000, a modern framework for state responsibility was developed.

5.1.1. *Fault Theory or Subjective Responsibility*

This theory posits that international responsibility arises from an unlawful act that violates international law. Thus, committing an act or omission that breaches international law alone is insufficient to establish responsibility; fault or negligence must also be present. The fault theory was first introduced by Grotius, who derived it from Roman law. Its most notable proponents include Vattel, Pufendorf, Wolff, and Verdross. International law in the 19th and early 20th centuries was heavily influenced by the fault theory, as reflected in numerous judicial decisions, such as the ICJ's ruling in the *Corfu Channel Case* of 1949 (ICJ, 1949).

5.1.2. *Risk Theory or Objective Responsibility*

Given the lack of an effective enforcement mechanism in international law and the principle of state sovereignty, the classical fault theory has become inadequate in addressing state responsibility. Responsibility must be based on a solid foundation that prevents states from evading liability by proving the absence of fault.

The risk theory or objective responsibility holds that any breach of international norms, whether customary or contractual, establishes international responsibility, regardless of fault or negligence. Consequently, any attack on an embassy by individuals or entities, under contemporary international law, imposes responsibility on the host state.

Today, the risk theory is increasingly recognized in international judicial and arbitral decisions, and the ILC's draft articles on state responsibility have also adopted this approach (International Law Commission, 2001).

6. **Consequences of State Responsibility Resulting from Harmful Acts of Natural and Legal Persons and Its Reparation**

6.1. *Non-Attribution to the State*

In general, the following conditions are necessary for the enforcement of international obligations of states under international law:

- (a) The violation of an international treaty.
- (b) The demand for compensation or acceptance of damage.
- (c) The existence of a causal link between the breach of duty and the inflicted damage.
- (d) The "attribution" of harmful acts to an actual state entity.

Among these conditions, the last one is particularly significant in establishing the international responsibility of a state. This means that unless the claimant can prove that the harmful act or omission is attributable to a state entity, no ruling can be made holding the state responsible for the damages. In the case of the armed attack on the Azerbaijani ambassador in Tehran, which was motivated by personal hostility, no international responsibility was imposed on Iran, as the incident could have occurred to any individual citizen of the country (International Law Commission, 2001).

In many cases brought before the Iran-United States Claims Tribunal, particularly those involving claims of less than \$250,000, American claimants alleged damages caused by the actions of revolutionaries before or shortly after the 1979 Revolution and sought compensation from the Islamic Republic of Iran under international law principles. Such cases relate to state responsibility, and Iran could rely on Paragraph 11(d) of the Algiers Accords and certain principles of international law in rejecting these claims (Kazemi, 2010).

A well-established principle in international law is that states are not responsible for the acts of natural persons or masses of people whose uprisings and uncontrollable actions harm foreigners, except in cases where revolutionary governments are held accountable for the

actions of successful revolutionaries. However, this exception is subject to certain limitations.

The primary reference on this matter is the reports submitted to the International Law Commission, particularly the Fourth Report on State Responsibility by Professor Roberto Ago, along with the Draft Articles on State Responsibility, adopted by the ILC in 1980, which is often regarded as a codification of customary international law (International Law Commission, 1980).

Historically, two main theories have governed state responsibility for harmful acts by private individuals:

The first theory, rooted in the experiences of primitive societies, holds that the wrongful act or omission of an individual renders all members of that society collectively responsible to another community, with the offending community absolving itself by punishing the perpetrator.

The second theory, derived from Roman law and first articulated by Grotius, posits that the head of a state is responsible for the acts or mistakes of its citizens, as the leader symbolizes the state through their authority. This responsibility ends when the leader punishes the offender or surrenders them to the injured state and takes preventive measures to avoid harm to other states and their nationals.

Although no binding international treaty explicitly addresses state responsibility, this principle is well established in customary international law as a primary source of this legal field, asserting that states are not liable for the actions of private individuals, whether natural or legal. However, a state may bear international responsibility for its negligence in preventing such acts. A generally accepted principle in international law is that the actions of private individuals cannot be attributed to the state. According to the *Draft Articles on State Responsibility* under the title "Conduct of Persons Not Acting on Behalf of the State":

"1. The conduct of a person or group of persons shall not be considered an act of the State under international law if it is not carried out on behalf of the State" (International Law Commission, 2001).

"2. Paragraph 1 does not preclude the attribution to the State of conduct that is to be considered as an act of the State under Articles 5 to 10" (International Law Commission, 2001).

The 1975 ILC Yearbook interprets and analyzes the foundations of this principle in international law, emphasizing that while the ILC's draft articles on state responsibility, including Article 11, have not yet been ratified by states through a binding treaty, they reflect customary international law (International Law Commission, 1975).

Article 11 clarifies that the term "person" includes both natural and legal persons, and the mention of "a group of persons" acknowledges that harm to foreigners often results from collective actions. The ILC notes that using the term "private" is unnecessary, as this principle also applies to certain legal entities that are not considered private under domestic law, such as supranational or quasi-public entities, provided they do not perform governmental functions (International Law Commission, 2001).

Additionally, the principle applies to state officials acting in their private capacity rather than in their official capacity, and the phrase "not acting on behalf of the State" excludes acts attributable to the state under Articles 7 and 8.

Thus, Article 11 pertains to harmful conduct by individuals or entities not acting as state representatives. If a private individual acts on behalf of the state, their conduct is attributable to the state. However, actions by quasi-public entities or state-owned companies that cause harm in non-governmental contexts are not attributable to the state. Similarly, acts by state officials in their private lives are not attributed to the state (International Law Commission, 2001).

Private individuals' actions are not attributable to the state, regardless of nationality, location, or circumstances, including riots, protests, revolutions, and wars, even when the victims are foreign states or nationals.

While states are not responsible for private individuals' actions, they may be held responsible for damages resulting from such acts if they fail to fulfill their protective duties, as stipulated in Article 11(2) and Articles 5 to 10 of the ILC's draft. For instance, states are obliged to protect foreign states, their representatives, and nationals from individual attacks. Failure to provide adequate protection that results in harm to foreigners constitutes a breach of international obligations, thereby holding the state responsible.

To establish a state's non-responsibility for private individuals' acts, reference can be made to international court decisions, state practices, and scholarly opinions in international law.

6.2. *International Court Decisions*

The final clause of Article 38(1) of the Statute of the International Court of Justice refers to judicial decisions and the teachings of the most highly qualified publicists as subsidiary means for the determination of rules of law. This clarifies the appropriate role of these sources. Judicial decisions and the works of legal scholars cannot create law, as only states can do so through treaty-making, customary rules, and general principles of law. An analysis of international judicial practice shows that responsibility for the conduct of private individuals has never been attributed to the state. Thus, in the case of the attack on the Azerbaijani ambassador in Tehran, no responsibility can be attributed to Iran. However, it must be acknowledged that, apart from the issue of responsibility, the host state is fundamentally responsible for ensuring the security of embassies. Private individuals' actions cannot be attributed to the state unless they are accompanied by an act or omission of a state organ. Private individuals' actions can be attributed to the state only when state organs' participation or assistance in the commission of the act is proven. Therefore, for the conduct of a private individual to be attributable to the state, the state must have violated an international obligation through that conduct. As mentioned in the introduction, since legal and judicial measures were taken against the assailant of the Azerbaijani ambassador in Iran, no international responsibility can be attributed to Iran.

In the early 20th century, on September 30, 1901, the principle of state non-responsibility for private individuals' acts was clearly articulated by arbitrator Ramiro Guill de Urribarri in the arbitration between Italy and Peru under the Convention of November 25, 1899. This arbitration addressed claims by Italian citizens residing in Peru (Shaw & Vaqaar, 1993; Tank & Safaei, 1995).

In the *Poggioli Case*, decided by umpire Ralston of the Italy-Venezuela Commission under the Protocols of February 13 and May 7, 1903, one claim involved four individuals accused of harmful acts, including the murder of one of the Poggioli brothers. The decision

noted that the failure of state authorities to punish the perpetrators rendered Venezuela responsible. The umpire emphasized that certain state organs failed to perform their duties, and due to this omission, Venezuela was held liable (Safaei & Hosseini, 2019). This ruling clarified that the umpire did not intend to attribute private individuals' acts to the state per se.

In the mid-1920s, further decisions from international courts reinforced this principle. On May 1, 1925, Max Huber, appointed as arbitrator under the British-Spanish Treaty of May 29, 1923, issued his well-known decision in cases involving British nationals' property claims in Spanish Morocco. Key points from this decision include:

- (a) Acts of individuals causing harm to foreign nationals are only attributed to the state when state authorities' negligence in preventing such acts is evident.
- (b) The actions of private individuals do not create international obligations.
- (c) The criminal behavior of individuals is distinct from conduct attributable to the state in a given case.
- (d) In determining compensation, the arbitrator highlighted that state responsibility arises only from the breach of an international obligation by the state itself, not from the circumstances and consequences of private individuals' acts (American Journal of International Law, 1925).

Subsequent awards by claims commissions between various states and Mexico reiterated this principle. The Mexico-United States General Claims Commission, established under the Convention of September 8, 1923, consistently ruled that state responsibility for private individuals' acts is based solely on the state's failure to prevent or punish such acts. The commission's most notable decision was the *Janes Case* on November 16, 1925, presided over by Van Vollenhoven. In this case, involving the murder of an American citizen by a dismissed Mexican employee, the commission held that:

- (a) An individual's actions are attributable only to themselves, while only state organs' actions are attributable to the state.
- (b) These two types of conduct must be assessed on different levels: domestic law and international law.
- (c) Mere failure to punish cannot serve as a basis for holding the state responsible for private individuals' acts.
- (d) In determining compensation, the commission emphasized that the state is only liable for its own

negligence, not for the harm caused by private individuals' acts (Janes Case, 1925).

7. Conclusion

Unlike in the past, individuals and groups today have the means to hold authorities accountable for their actions. States facilitate this responsibility through various measures, including effective and general controls. In the case of the Azerbaijani ambassador's assailant, Iran's prompt legal and judicial response carried international implications. Historically, private individuals and groups often engaged in actions such as seizing embassies or assassinating foreign officials, and these serious violations of the Geneva Conventions, human rights, and humanitarian law could impose international responsibility on the state system if committed by such actors.

Since criminal acts under international law are not uniform and do not all fall under the same category of misconduct, this issue requires careful consideration. Although previous frameworks acknowledged this, the new draft lacks explicit references.

This article examined the attack on the Azerbaijani ambassador from various legal perspectives. Given that the attack was carried out by an individual with no affiliation to the Islamic Republic of Iran, who was duly prosecuted and punished by the Iranian judiciary without any state support, no international responsibility can be attributed to Iran.

As a researcher, before studying international law, I believed that attacks on embassies were permissible. However, after gaining legal knowledge, I have come to understand that states hosting embassies are responsible for the safety of ambassadors and diplomatic missions. Any breach not only carries international repercussions for the violating state but also undermines investor confidence in the host state. If a host country cannot guarantee the security of the most sensitive diplomatic centers, it raises doubts about its ability to ensure investors' safety, resulting in capital flight.

Even in the smallest social unit—the family—when hosting a guest, Iranian cultural norms dictate that no inappropriate actions are taken against them while they remain in our home. Legal frameworks provide mechanisms to address misconduct, and any extralegal actions against embassies could have severe consequences for the state. Therefore, enhanced security

measures are essential to safeguard foreign embassies, especially those of friendly nations. In the case at hand, proper security measures could have prevented the murder of the Azerbaijani ambassador.

Authors' Contributions

Authors contributed equally to this article.

Declaration

In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

Transparency Statement

Data are available for research purposes upon reasonable request to the corresponding author.

Acknowledgments

We would like to express our gratitude to all individuals helped us to do the project.

Declaration of Interest

The authors report no conflict of interest.

Funding

According to the authors, this article has no financial support.

Ethical Considerations

In this research, ethical standards including obtaining informed consent, ensuring privacy and confidentiality were observed.

References

- Ghamami, M. (2016). *Civil liability of the state for the actions of its employees*. Tehran: Dadgostar Publications.
- Jafari Langerudi, M. J. (2023). *Comprehensive terminology of law* (Vol. 5). Tehran: Ganj Danesh Publications.
- Kazemi, S. A. (2010). *Civil liability arising from environmental destruction* Master's thesis, Damghan University].
- Moshrefi, M. (2017). *Legal terminology: English to Persian*. Tehran: Afarinesh Publications.
- Safaei, S. H., & Hosseini, S. E. (2019). *Foundations and principles of civil liability from a comparative law perspective*. Tehran: Inteshar Publishing Company.
- Shaw, M., & Vaqaar, M. H. (1993). *International law*. Tehran: Information Publications.
- Tank, A., & Safaei, S. H. (1995). *The law of the United States of America*. Tehran: [Publisher not specified].

Ziaei Bigdeli, M. R. (2022). *Public international law*. Tehran: Ganj Danesh Library.