# Does International Law Prohibit the Assassination of State Leaders?

**Margot Donzé**

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In 2003, following the invasion of Iraq, Anne-Marie Slaughter asked whether the UN should start issuing death warrants in respect of "dangerous dictators" like Saddam Hussein, suggesting that "targeting dictators is not murder or assassination" (p. 73). Over 20 years later, the targeted killing of State leaders is fast becoming foreign policy for some. On 28 February 2026, Israeli Prime Minister Netanyahu announced that the Iranian Supreme Leader Khamenei had been killed by an Israeli strike. On 4 March, Israel's Defence Minister threatened to assassinate Khamenei's successor.

The illegality of the ongoing US-Israeli strikes on Iran has been discussed previously. So has the legality of the killing of State and political leaders under international humanitarian law (IHL). But I was surprised to read that the targeting of Khamenei was presented as having eroded the international norm against assassination, prompting me to wonder what norm against assassination the authors were referring to.

I suggest that there is no norm under positive international law against the killing of State leaders—understood here as the traditional troika of heads of State, heads of government, and ministers for foreign affairs—although different rules and regimes may specially protect State leaders in certain circumstances. An aspect often overlooked in the targeting of State leaders is the special status these people have under international law, and how that status influences the norms applicable to their killing. This post thus offers some thoughts on the status—or, rather, plural statuses—of State leaders, observing a spectrum of international protection that unevenly exposes some leaders to violability.

This post will not refer to leadership status under IHL, although it is the primary applicable framework, as this aspect has already been covered in blog posts and articles, but rather aims to shed light on a different aspect of the status question.

## Conceptual slipperiness of assassination

Assassination is often supposed in legal scholarship to be prohibited, thus explaining the recent claim that the international norm against assassination has been weakened. A rare example of assassination being expressly addressed in a treaty can be found in the 2000 Constitutive Act of the African Union, successor to the 1963 Charter of the Organization of African Unity. More frequently, reference is made to US Executive Order 12333, which prohibits US Government employees from engaging or conspiring in political assassination. Yet, many scholars have interpreted this supposed prohibition very narrowly, focusing solely on the prohibition of treacherous or perfidious killings during a war (see here, here, or here). Further, some suggest that if the killing is not treacherous and occurs during an armed conflict, the target would be legitimate. If one takes this stance, it would mean that the prohibition of assassination would apply almost exclusively in peacetime and would not be relevant when armed conflicts begin.

This reveals an inherent slipperiness to the concept: does a prohibition of assassination refer to conduct in wartime, peacetime, or both? Because assassination is nowhere defined in general international law, it is impossible to identify an express norm against it. Still, I take the current debate on assassination to mean the "targeted killing of a State leader", which may be effectively prohibited by reference to other norms that reflect the special status of State leaders.

## Inviolability of State leaders

In the history of international law and relations, certain groups have been seen as deserving a special status, whether for good or ill. Such is the case of pirates, tyrants, diplomats, but also State leaders. For the latter, this status stems mainly from the fact that they, as representatives of the State, have "sovereign" dignity or *dignitas*, a necessary component of State sovereignty. And, for the preservation of their dignity, immunities have been attached to them, thus allowing them to fulfil their governmental functions. Indeed, State leaders, beyond being flesh-and-blood individuals, transcend their human nature and personify a body politic. This "dichotomous concept of rulership" (p. 497)—borrowed from the ancient notion of the King's two bodies, as popularised by Kantorowicz—explains why leaders warrant extraordinary status and protection under international law. If dignity underlies sovereignty, then State leaders need a special status to protect it.

But immunities, in legal instruments and academic writings, are only one side of the coin. The protection afforded to State leaders is often framed in terms of their immunity *and inviolability*. Although the latter term is routinely invoked alongside immunity in textbooks and judgments, no legal instrument defines precisely what is included in its scope (but see here in respect of diplomatic agents). In the *Arrest Warrant* case, the International Court of Justice reaffirmed that immunity and inviolability "protect the individual concerned against any act of authority of another State which would hinder him or her in the performance of his or her duties" (paragraph 54). Applying this bare definition, the killing of Khamenei—as well as the abduction of Maduro, or any attack on a State leader for that matter—would breach his inviolability. However, such inviolability was spatially qualified by the Court in the preceding sentence: "when abroad".

## Home and abroad

The jurisdictional limits of a State leader's inviolability have been acknowledged in a leading treatise and by the Institut de Droit International in its first Article on Immunities from Jurisdiction and Execution of Heads of State and of Government in International Law: "*[w]hen in the territory of a foreign State*, the person of the Head of State is inviolable" (emphasis added). Moreover, in the ILC's draft Articles on Immunities of State Officials from Foreign Criminal Jurisdiction, inviolability is only mentioned in the context of the examination of immunity by the competent authorities of the forum State and the taking of coercive measures to that effect (draft Article 9(2)(b)).

The special protection of State leaders when abroad is further reflected in the 1973 UN Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents. This anti-terrorism Convention was designed to protect the troika by requiring States parties to prosecute or extradite any alleged offender of an attack on them (Article 7). But these three categories of persons fall into the definition of "internationally protected person" only insofar as they are attacked "in a foreign State" (Article 1(a)).

It is therefore unlikely that the inviolability of State leaders under customary international law or any treaty norm specially protects them from attacks when they are in their home State. Instead, State leaders at home who are vulnerable to assassination attempts would have to depend on the general protections afforded to the State itself by the prohibitions on the use of force and coercive intervention.

## A spectrum of violability

In casting doubt on the assumption that a positive norm against assassination has ever existed, I have recalled the inviolability of State leaders under international law, which might be expected to ground such a prohibition, but in fact only protects leaders when they are abroad. So does the 1973 Convention, which in any event was designed to protect State leaders from non-State actors, rather than the types of State-backed assassination that were contemplated by African and US instruments and are hitting headlines today.

However, by bringing together these disparate norms and instruments, we can see that international

law has not constructed a single status of protection for State leaders, but rather plural statuses depending on different factors, including the time and place of attack. The concept of assassination may thus be unbundled into several ways of killing State leaders, which trigger different consequences under a range of rules and regimes. In this light, the real question is not "does international law prohibit the assassination of State leaders", but rather "how has international law protected some State leaders from assassination, whilst enabling that of others"?

To answer this question is an ongoing project. Tentatively, there seems to be a hierarchy of State leaders according to a spectrum of violability under international law. The most protection has been historically afforded to the leaders of States that are strongly committed to an ideal type of economic and political system (namely, capitalist liberal democracies), but the protection of international law weakens the further a leader is deemed to have fallen from that ideal system, whether characterised as a communist, terrorist, or tyrant. This spectrum of violability may stem from the exclusionary character of the *dignitas* conferred on individuals with "rank and honour" (p. 19). That may be why even some international lawyers are willing to suspend the prohibitions on the use of force and coercive intervention when State leaders turn their "monopolistic control of the weapons and instruments of suppression [...] against their own people" (p. 519).

If one accepts the spectral character of international protection for State leaders, one must conclude that a uniform norm against assassination does not exist. What is truly protected, it seems, is not the State leader as a human individual, but rather the sovereign dignity embedded in that individual as the personification of a body politic; a status unevenly allocated by international law.

## ABOUT THE AUTHOR

**Margot Donzé**
Margot Donzé is a PhD Candidate in Law at the London School of Economics and Political Science (LSE).

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