

# DIPLOMATIC IMMUNITY

## 18 U.S. Code §11. Foreign government defined

<https://www.law.cornell.edu/uscode/text/18/11>

The term "[foreign government](#)", as used in this title except in sections 112, 878, 970, 1116, and 1201, includes any government, faction, or body of insurgents within a country with which the [United States](#) is at peace, irrespective of recognition by the [United States](#).

## 18 U.S. Code §112. Protection of foreign officials, official guests, and internationally protected persons

<https://www.law.cornell.edu/uscode/text/18/112>

(a) Whoever assaults, strikes, wounds, imprisons, or offers violence to a [foreign official](#), [official guest](#), or [internationally protected person](#) or makes any other violent attack upon the person or liberty of such person, or, if likely to endanger his person or liberty, makes a violent attack upon his official premises, private accommodation, or means of transport or attempts to commit any of the foregoing shall be fined under this title or imprisoned not more than three years, or both. Whoever in the commission of any such act uses a deadly or dangerous weapon, or inflicts bodily injury, shall be fined under this title or imprisoned not more than ten years, or both.

(b) Whoever willfully—

(1) intimidates, coerces, threatens, or harasses a [foreign official](#) or an [official guest](#) or obstructs a [foreign official](#) in the performance of his duties;

(2) attempts to intimidate, coerce, threaten, or harass a [foreign official](#) or an [official guest](#) or obstruct a [foreign official](#) in the performance of his duties; or

(3) within the United States and within one hundred feet of any building or premises in whole or in part owned, used, or occupied for official business or for diplomatic, consular, or residential purposes by—

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- (A) a [foreign government](#), including such use as a mission to an [international organization](#);
- (B) an [international organization](#);
- (C) a [foreign official](#); or
- (D) an [official guest](#);

congregates with two or more other persons with intent to violate any other provision of this section; shall be fined under this title or imprisoned not more than six months, or both.

(c) For the purpose of this section "[foreign government](#)", "[foreign official](#)", "[internationally protected person](#)", "[international organization](#)", "[national of the United States](#)", and "[official guest](#)" shall have the same meanings as those provided in [section 1116\(b\) of this title](#).

(d) Nothing contained in this section shall be construed or applied so as to abridge the exercise of rights guaranteed under the first amendment to the Constitution of the United States.

(e) If the victim of an offense under subsection (a) is an [internationally protected person](#) outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a [national of the United States](#), or (3) an offender is afterwards found in the United States. As used in this subsection, the United States includes all areas under the jurisdiction of the United States including any of the places within the provisions of sections [5](#) and [7](#) of this title and [section 46501\(2\) of title 49](#)

(f) In the course of enforcement of subsection (a) and any other sections prohibiting a conspiracy or attempt to violate subsection (a), the Attorney General may request assistance from any Federal, State, or local agency, including the Army, Navy, and Air Force, any statute, rule, or regulation to the contrary, notwithstanding.

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### **18 U.S. Code §878.Threats and extortion against foreign officials, official guests, or internationally protected persons**

<https://www.law.cornell.edu/uscode/text/18/878>

(a) Whoever knowingly and willfully threatens to violate section [112](#), [1116](#), or [1201](#) shall be fined under this title or imprisoned not more than five years, or both, except that imprisonment for a threatened assault shall not exceed three years.

(b) Whoever in connection with any violation of subsection (a) or actual violation of section [112](#), [1116](#), or [1201](#) makes any extortionate demand shall be fined under this title or imprisoned not more than twenty years, or both.

(c) For the purpose of this section “[foreign official](#)”, “[internationally protected person](#)”, “[national of the United States](#)”, and “[official guest](#)” shall have the same meanings as those provided in [section 1116\(a\) of this title](#).

(d) If the victim of an offense under subsection (a) is an [internationally protected person](#) outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a [national of the United States](#), or (3) an offender is afterwards found in the United States. As used in this subsection, the United States includes all areas under the jurisdiction of the United States including any of the places within the provisions of sections [5](#) and [7](#) of this title and [section 46501\(2\) of title 49](#).

### **18 U.S. Code §970.Protection of property occupied by foreign governments**

<https://www.law.cornell.edu/uscode/text/18/970>

(a) Whoever willfully injures, damages, or destroys, or attempts to injure, damage, or destroy, any property, real or personal, located within the United States and belonging to or utilized or occupied by any [foreign](#)

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[government](#) or [international organization](#), by a [foreign official](#) or [official guest](#), shall be fined under this title, or imprisoned not more than five years, or both.

**(b)** Whoever, willfully with intent to intimidate, coerce, threaten, or harass—  
**(1)** forcibly thrusts any part of himself or any object within or upon that portion of any building or premises located within the United States, which portion is used or occupied for official business or for diplomatic, consular, or residential purposes by—

**(A)** a [foreign government](#), including such use as a mission to an [international organization](#);

**(B)** an [international organization](#);

**(C)** a [foreign official](#); or

**(D)** an [official guest](#); or

**(2)** refuses to depart from such portion of such building or premises after a request—

**(A)** by an employee of a [foreign government](#) or of an [international organization](#), if such employee is authorized to make such request by the senior official of the unit of such government or organization which occupies such portion of such building or premises;

**(B)** by a [foreign official](#) or any member of the [foreign official](#)'s staff who is authorized by the [foreign official](#) to make such request;

**(C)** by an [official guest](#) or any member of the [official guest](#)'s staff who is authorized by the [official guest](#) to make such request; or

**(D)** by any person present having law enforcement powers;  
shall be fined under this title or imprisoned not more than six months, or both.

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(c) For the purpose of this section “[foreign government](#)”, “[foreign official](#)”, “[international organization](#)”, and “[official guest](#)” shall have the same meanings as those provided in [section 1116\(b\) of this title](#).

### **18 U.S. Code §1116. Murder or manslaughter of foreign officials, official guests, or internationally protected persons**

<https://www.law.cornell.edu/uscode/text/18/1116>

(a) Whoever kills or attempts to kill a [foreign official](#), [official guest](#), or [internationally protected person](#) shall be punished as provided under sections [1111](#), [1112](#), and [1113](#) of this title.

(b) For the purposes of this section:

(1) “[Family](#)” includes (a) a spouse, parent, brother or sister, child, or person to whom the [foreign official](#) or [internationally protected person](#) stands in loco parentis, or (b) any other person living in his household and related to the [foreign official](#) or [internationally protected person](#) by blood or marriage.

(2) “[Foreign government](#)” means the government of a foreign country, irrespective of recognition by the United States.

(3) “[Foreign official](#)” means—

(A) a Chief of State or the political equivalent, President, Vice President, Prime Minister, Ambassador, Foreign Minister, or other officer of Cabinet rank or above of a [foreign government](#) or the chief executive officer of an [international organization](#), or any person who has previously served in such capacity, and any member of his [family](#), while in the United States; and

(B) any person of a foreign nationality who is duly notified to the United States as an officer or employee of a [foreign government](#) or [international organization](#), and who is in the United

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States on official business, and any member of his [family](#) whose presence in the United States is in connection with the presence of such officer or employee.

**(4)** “[Internationally protected person](#)” means—

**(A)** a Chief of State or the political equivalent, head of government, or Foreign Minister whenever such person is in a country other than his own and any member of his [family](#) accompanying him; or

**(B)** any other representative, officer, employee, or agent of the United States Government, a [foreign government](#), or [international organization](#) who at the time and place concerned is entitled pursuant to international law to special protection against attack upon his person, freedom, or dignity, and any member of his [family](#) then forming part of his household.

**(5)** “[International organization](#)” means a public [international organization](#) designated as such pursuant to section 1 of the [International Organizations Immunities Act \(22 U.S.C. 288\)](#) or a public organization created pursuant to treaty or other agreement under international law as an instrument through or by which two or more [foreign governments](#) engage in some aspect of their conduct of international affairs.

**(6)** “[Official guest](#)” means a citizen or national of a foreign country present in the United States as an [official guest](#) of the Government of the United States pursuant to designation as such by the Secretary of State.

**(7)** “[National of the United States](#)” has the meaning prescribed in section 101(a)(22) of the [Immigration and Nationality Act \(8 U.S.C. 1101\(a\)\(22\)\)](#).

**(c)** If the victim of an offense under subsection (a) is an [internationally protected person](#) outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer,

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employee, or agent of the United States, (2) an offender is a [national of the United States](#), or (3) an offender is afterwards found in the United States. As used in this subsection, the United States includes all areas under the jurisdiction of the United States including any of the places within the provisions of sections [5](#) and [7](#) of this title and [section 46501\(2\) of title 49](#).

- (d)** In the course of enforcement of this section and any other sections prohibiting a conspiracy or attempt to violate this section, the Attorney General may request assistance from any Federal, State, or local agency, including the Army, Navy, and Air Force, any statute, rule, or regulation to the contrary notwithstanding.

### **18 U.S. Code §1201.Kidnapping**

<https://www.law.cornell.edu/uscode/text/18/1201>

**(a)** Whoever unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away and holds for ransom or reward or otherwise any person, except in the case of a minor by the parent thereof, when—

- (1)** the person is willfully transported in interstate or foreign commerce, regardless of whether the person was alive when transported across a State boundary, or the offender travels in interstate or foreign commerce or uses the mail or any means, facility, or instrumentality of interstate or foreign commerce in committing or in furtherance of the commission of the offense;
- (2)** any such act against the person is done within the special maritime and territorial jurisdiction of the United States;
- (3)** any such act against the person is done within the special aircraft jurisdiction of the United States as defined in [section 46501 of title 49](#);

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**(4)** the person is a foreign official, an internationally protected person, or an official guest as those terms are defined in [section 1116\(b\) of this title](#); or

**(5)** the person is among those officers and employees described in [section 1114 of this title](#) and any such act against the person is done while the person is engaged in, or on account of, the performance of official duties, shall be punished by imprisonment for any term of years or for life and, if the death of any person results, shall be punished by death or life imprisonment.

**(b)** With respect to subsection (a)(1), above, the failure to release the victim within twenty-four hours after he shall have been unlawfully seized, confined, inveigled, decoyed, kidnapped, abducted, or carried away shall create a rebuttable presumption that such person has been transported in interstate or foreign commerce. Notwithstanding the preceding sentence, the fact that the presumption under this section has not yet taken effect does not preclude a Federal investigation of a possible violation of this section before the 24-hour period has ended.

**(c)** If two or more persons conspire to violate this section and one or more of such persons do any overt act to effect the object of the conspiracy, each shall be punished by imprisonment for any term of years or for life.

**(d)** Whoever attempts to violate subsection (a) shall be punished by imprisonment for not more than twenty years.

**(e)** If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a [national of the United States](#), or (3) an offender is afterwards found in the United States. As used in this subsection, the United States includes all areas under the jurisdiction of the United States including any of the places within the provisions of sections [5](#) and [7](#) of this title and [section 46501\(2\) of title 49](#). For purposes of this subsection, the term "[national of the United States](#)" has the meaning prescribed in section 101(a)(22) of the [Immigration and Nationality Act \(8 U.S.C. 1101\(a\)\(22\)\)](#).



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**(f)** In the course of enforcement of subsection (a)(4) and any other sections prohibiting a conspiracy or attempt to violate subsection (a)(4), the Attorney General may request assistance from any Federal, State, or local agency, including the Army, Navy, and Air Force, any statute, rule, or regulation to the contrary notwithstanding.

### **(g) SPECIAL RULE FOR CERTAIN OFFENSES INVOLVING CHILDREN.—**

#### **(1) TO WHOM APPLICABLE.—If—**

**(A)** the victim of an offense under this section has not attained the age of eighteen years; and

**(B)** the offender—

**(i)** has attained such age; and

**(ii)** is not—

**(I)** a parent;

**(II)** a grandparent;

**(III)** a brother;

**(IV)** a sister;

**(V)** an aunt;

**(VI)** an uncle; or

**(VII)** an individual having legal custody of the victim; the sentence under this section for such offense shall include imprisonment for not less than 20 years.

**[(2)** Repealed. [Pub. L. 108-21, title I, §104\(b\)](#), Apr. 30, 2003, [117 Stat. 653](#).]

**(h)** As used in this section, the term “parent” does not include a person whose parental rights with respect to the victim of an offense under this section have been terminated by a final court order.