

Suing Germany over the genocide in Namibia in U.S. courts: the pitfalls of serving a summons on the German Government

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On 1 July 2018, Assadollah Assadi, an Iranian diplomat based at the Embassy of the Islamic Republic of Iran in Vienna, was arrested at a rest area on the A3 motorway in south-east Germany on a European arrest warrant issued by Belgian law enforcement authorities. The Belgian authorities sought the extradition of Assadi for his role in commissioning a Belgian-Iranian couple to carry out an explosive attack on an annual meeting of an Iranian opposition group in France on 30 June 2018. For that purpose, he was said to have handed the couple an explosive device with a total of 500 grams of the explosive TATP in Luxembourg City at the end of June 2018. On the day of the attack, Belgian security forces had arrested the couple en route to France and secured the device. On 3 July 2018, the Austrian Federal Ministry for Foreign Affairs summoned the Iranian ambassador to Vienna and requested that Iran lift the immunity of Assadi within 48 hours. However, the Iranian Government did not accede to the request. On the contrary, on 4 July 2018, the Iranian Government summoned the French and Belgian ambassadors and Germany's chargé d'affaires (in the absence of the German ambassador) to Tehran in protest at the arrest of the Iranian diplomat in Germany. In a press release the Iranian Foreign Ministry stated: