

Gabidulina Milana Zoranovna

student

Scientific adviser

Bydantseva Alsu Nurislamovna

professor

Kazan branch of FSBEI

of HE "Russian State University of Justice"

Kazan, Republic of Tatarstan

DIPLOMATIC PRIVILEGES AND IMMUNITIES

Abstract: *nowadays, the issue of international diplomatic cooperation is becoming particularly relevant. The countries are conducting a joint economy, solving political and military issues. In this regard, in the vast majority of countries, a number of States have diplomatic missions – a foreign authority of external relations of the State that established it, determined on the basis of mutual agreement between States. The author sees the purpose in revealing this topic for the general awareness of readers about issues of international and diplomatic law. Also, this article can be used as an educational material for students studying international law, given that a limited amount of information on this topic is provided in Russian-language sources. Moreover, the most up-to-date and reliable data on issues of diplomatic privileges and immunities will be collected here.*

Keywords: *international law, diplomat, diplomatic privileges, diplomatic immunity, diplomatic law.*

Габидуллина Милана Зорановна

студентка

Научный руководитель

Быданцева Алсу Нурисламовна

преподаватель

Казанский филиал ФГБОУ ВО «Российский
государственный университет правосудия»

ДИПЛОМАТИЧЕСКИЕ ПРИВИЛЕГИИ И ИММУНИТЕТЫ

Аннотация: в наше время вопрос международного дипломатического взаимодействия приобретает особенную актуальность. Страны ведут совместную экономику, решают политические и военные вопросы, вопросы о сотрудничестве. В связи с этим в подавляющем большинстве стран у ряда государств существуют дипломатические представительства – зарубежный орган внешних отношений учредившего его государства, определяемый на основе взаимного соглашения между государствами. Автор видит цель в раскрытии данной темы для общей осведомлённости читателей о вопросах международного и дипломатического права. Также статья может использоваться как учебный материал для студентов, изучающих международное право, учитывая то, что в русскоязычных источниках представлено ограниченное количество информации на данную тему. Более того, здесь будут собраны самые актуальные и достоверные данные о вопросах дипломатических привилегий и иммунитетов.

Ключевые слова: международное право, дипломат, дипломатические привилегии, дипломатический иммунитет, дипломатическое право.

The following *tasks* have been set and will be solved here:

- analysis of the concept and essence of diplomatic privileges, immunities and basic terms related to them;
- characteristics of the difference between the privileges and immunities of diplomatic missions and their employees;
- description of the tasks and functions of diplomats.

Diplomat

– in international law, an official person representing the interests of a particular State or an authorized international organization. The main functions of a diplomat are to represent and protect the interests of his country and citizens, collect information, as well as establish friendly and other relations between countries. A diplomat has a diplomatic rank and enjoys diplomatic immunity.

Diplomatic privileges and immunities – special privileges and rights granted to foreign diplomatic missions and their employees in accordance with the norms of international law in order to ensure the freedom of their activities under the control of the host State. They are not provided to ordinary foreigners.

Diplomatic immunities and privileges are divided into: 1) privileges and immunities of the mission and 2) personal immunities and privileges of diplomats.

The immunities and privileges of a *diplomatic mission* include:

1. Inviolability of the premises of the diplomatic representation. Premises are buildings or parts thereof used for the purposes of a representative office, including the residence of its head, as well as the land plot serving this building or parts thereof, including a garden and a parking lot. Their inviolability means that the authorities of the receiving State cannot enter these premises without the consent of the head of the mission.

The receiving State is obliged to take appropriate measures to protect the premises of the mission from any intrusion or damage, as well as to prevent any disturbance of the peace of the mission or insult to its dignity. The question often arises: what to do in case of force majeure – fire, flood, seizure of premises by terrorists?

International law does not allow the institution of the inviolability of the premises of diplomatic missions to be used as a refuge for persons persecuted by the authorities of the receiving State.

2. The premises of diplomatic missions, their furnishings and other property located in them, as well as the means of transportation of the staff of the missions shall enjoy immunity from search, requisition, arrest and other enforcement actions both in peacetime and during armed conflicts.

3. The premises of representative offices, both owned and leased, have fiscal immunity, i.e. they are exempt from all taxes, fees and duties, except for fees for specific types of services.

4. The inviolability of archives and documents of diplomatic missions is secured at any time and in any place. This also applies to the period of the rupture of diplomatic relations between States, including in connection with the armed conflict between

them. Official correspondence of diplomatic missions is also inviolable. Therefore, diplomatic couriers enjoy immunity during the delivery of their diplomatic mail to its destination.

The employees of the representative office enjoy the following privileges and immunities:

1) the identity of a diplomatic agent is inviolable. The diplomat is not subject to arrest or detention in any form;

2) the private residence of a diplomatic agent enjoys the same inviolability and protection as the premises of a representative office;

3) a diplomatic agent enjoys immunity from the criminal jurisdiction of the receiving State;

4) a diplomatic agent shall enjoy immunity from the civil and administrative jurisdiction of the receiving State, except:

– property claims relating to private immovable property in the territory of the host country, unless he owns this property for the purposes of representation;

– claims concerning inheritance, in respect of which he acts as executor of the will, trustee, heir or beneficiary of the inheritance;

– claims relating to any professional or commercial activity of a diplomatic agent outside of his official functions.

Privileges of a diplomat:

1) exemption from all taxes, fees and duties in the host State, except indirect taxes, inheritance taxes and a number of fees;

2) exemption from all labor, state and military duties;

3) exemption from customs duties, taxes and fees (Article 36 of the Vienna Convention of 1961). It should be noted that diplomatic immunities and privileges are enjoyed by all members of the diplomat's family, if they are not citizens of the host country. The status of administrative and technical personnel is equivalent to diplomatic, with the exception of civil and administrative jurisdiction, which does not apply to the latter. Service personnel enjoy immunity in respect of actions performed in the

performance of official duties. He is exempt from taxes, fees and duties on earnings received by him in the service.

Thus, we have defined all the basic concepts of diplomatic law, explained them, identified the differences between privileges and immunities, and now readers can apply the knowledge they have gained in life.

Список литературы

1. Vienna Convention on Diplomatic Relations, 1961, art. 30, 31, 31.1
2. Дипломат [Электронный ресурс]. – Режим доступа: wikipedia.org
3. Дипломатические иммунитеты и привилегии [Электронный ресурс]. – Режим доступа: <https://infopedia.su/17x44b0.html>
4. Дипломатические иммунитеты и привилегии [Электронный ресурс]. – Режим доступа: https://spravochnick.ru/mezhdunarodnye_otnosheniya/diplomaticheskie_immunitety_i_privilegii/