



Islamic; Diplomatic; Immunities; Protection; Importance

Since the beginning of life on planet Earth, it has always been a great challenge for man to maintain a fully peaceful and harmonious society, internally and externally, within the boundaries of one's territory, as well as beyond it. History has proven that Muhammad (peace be upon him) was the most successful individuality in harmonizing the relations with other states even after hundreds of battles, utmost chaos, enmity, hatred and clashes of religions, races and cultures, between the extremely different tribes of people around him.

The Islamic Diplomatic Immunity was originated by the Holy Prophet Hazrat Muhammad (peace be upon him) a long time ago approximately 1400 years back and it was the time, yet civilization was unknown to the grounding rules for the welfare and betterment of humanity as a whole. Apart from this, Islam also offered conciliated solution to all those humanly problems which were aroused by the increased interaction among different communities and nations.

The only rule that Muhammad (peace be upon him) used was the Divine Rule, the Islamic Law, which was indubitably designed to suit the human being at every period, in every situation of life and to fulfill the human need indefinitely. Indeed, promoting successful relations with other countries is only possible through delegations, ambassadors and envoys. Keeping in view the current global situation, there is inevitably a dire need to create a worldwide peaceful environment and stability.

The term "diplomatic immunity" is being exercised almost all over the world. As western diplomatic immunity is concerned, its roots are engrossed in 1961 Vienna Convention¹ and the 1963 Vienna Convention on Consular Relations (VCCR) which provided privileged opportunities to diplomats' immunity from arrest, detention and prosecutions. Nevertheless, Anne Arundel County² suggested that immunity is a "complete personal inviolability, means that person may not be handcuffed (except in extraordinary circumstances), may not be arrested; and their property, (including vehicles), and residences may

not be entered or searched". Furthermore, "a principle of international law by which certain foreign government officials are not subject to the jurisdiction of local courts and other authorities both their official and to a large extent, their personal activities".

Throughout the history of Islamic Jurisdiction diplomats were granted protocols by the host community. Muslim administrators used to specify certain amount of money each year for the receiving missions and envoys to launch the Islamic rules and traditions. Muslim leaders always tried to take good care of the selection of diplomats. Additionally, diplomats must possess some fundamental qualities which are suitable to fulfill the responsibilities as envoy in host community. For example they must have knowledge, patience, wisdom, courage, persistency and even appearance etc.

That is why, it could be said that diplomatic immunity has greater importance in Islamic Law. Holy Prophet (Peace be upon Him)

¹Vienna Convention on Diplomatic Relations, Apr. 18, 1961, 500 U.N.T.S. 95; Vienna Convention on Consular Relations, Apr. 24, 1963, 596 U.N.T.S. 261.

²Anne Arundel county police department written directive. "Definitions & immunity categories." Index Code 2001.1, dated 12-03-10. <http://www.aacounty.org/Police/RulesRegs/Sections2024/2001.1%201DiplomaticImmunity%2007-06-15.pdf> (2001)

Sheik Saadi also maintains that:

Allah made them into nations and tribes, (namely the small and big tribes), in order to know each other, where if each one of them would boarder himself, they would not get this acquaintance which is resulted by cooperation, inheritance, and the rights of relatives⁴.

Additionally, there is also a reference verse where Allah the Almighty says:

{1 O you who have believed, fulfil [all] contracts} ⁵.

is the order of Allah for believers to fulfil and maintain the covenant and we are obliged to do so⁶. is reflected in the way the Prophet (peace be upon him) sent Othman bin Affan (may Allah be pleased with him) on appointment as envoy and to serve his country and his religion. Therefore, the importance of the rights of a diplomat is clear. As such, the diplomat should be granted what he preserves concerning the rights, because it resolves a lot of the outstanding issues between the states through his word and his dialogue. Indeed Allah the Almighty said:

{24 Have you not considered how Allah presents an example,

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care of the selection of envoys who represented them and enjoyed those immunities in order to be eligible for immunity which they deserved and represented the Islamic state in the right way.

The above practices here encouraged the countries which were dealing with the Islamic states because they got immunity within the Islamic state. They were eligible and represented their countries in the form of better representation. This is what is considered in our time and it is called the Rule of Reciprocity. In other words, it is the practice of exchanging things with others for mutual benefit, especially privileges granted by one country or organization to another. Thus, this selection, specifications and conditions that were placed to the Islamic diplomats who were messengers and envoys since the time of the Prophet (peace be upon him) until our time did not come from a vacuum but it is derived from divine revelation. Allah the Almighty says:

{124 Allah is most knowing of where He places His message}¹⁷.

And He says further:

{75 Allah chooses from the angels messengers and from the people}¹⁸

The scholars of Qur'an interpretation have also maintained that¹⁹: "the Almighty chooses messengers from angels as he pleases and wills, and also chooses from the people to convey His message". Indeed Allah listens: He says: "Allah is most knowing of where He places His message"²⁰. And He says further: "He knows what is [presently] before them and what will be a further theme

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correspondence and speeches. This implies that the Muslim Ummah have been ordered by Allah SWT to seek for knowledge, especially learning, reading and writing. Allah the Almighty said:

{1 Nun. By the pen and what they inscribe}³⁰.

Al-Tabari said: "the first thing that Allah created was a pen, therefore, it wrote everything"³¹. Also Allah S.W.T said:

{1 Recite in the name of your Lord who created – 2 Created man from a clinging substance. 3 Recite, and your Lord is the most Generous – 4 Who taught by the pen – 5 Taught man that which he knew not}³².

Read O Muhammad and glorify your Lord (who taught by the

