

## **Diplomatic Immunity: Basic Aspects**

*This article reveals the basic concepts of diplomatic immunity and inviolability of persons with a special status in the territory of another state. Also this article shows features the possibility of bringing diplomatic representative to justice.*

**Actuality of theme** is to reveal all aspects of diplomatic immunity and inviolability of Ukraine realities. In the article features the possibility of bringing diplomatic representative to justice.

Exploring this topic, accepted and considered it necessary to analyze in detail the scientific literature and work: AI Dmitriev, V. M.Repetskoho, Sandrovskoho K., M. L. Kulich.

Diplomatic immunity - a set of rights and privileges of diplomatic heads and employees of diplomatic missions in the territory of a particular country as well as in their countries of residence.

This right includes: personal integrity, office space, housing and property, exemption from taxes, customs inspection, guarantees the right to diplomats bezpechoho travel and protection from civil action or criminal prosecution under the legislation of the host country [3].

The amount of diplomatic immunity is established domestic law of host countries as well as international agreements such as the Vienna Convention 1961 and 1963, and customary international law.

The Convention 1961 clearly established obligation of persons endowed with privileges and immunities to respect the laws and regulations of the receiving State "without prejudice to their privileges and immunities, all persons enjoying such privileges and immunities to respect the laws and regulations state "(p. 1, Art. 41) [1].

Diplomats also covers immunity from civil jurisdiction in the following cases:

- a) proprietary claims belonging to private non movable property on the territory of the host country if he does not possess the property for the purposes of representation;
- b) claims relating to inheritance for which it acts as executor, trustee, or successor vidmovooderzhuvacha heritage. Thus, a diplomatic agent can not invoke diplomatic immunity as grounds for refusing to appear when considering a claim or other matter that relates to succession;
- c) claims; belonging to any professional or commercial activity of the diplomatic agent outside his official functions.

The question is, if a crime was still ordained diplomatic representative or diplomat, who has the right to bring him to justice or maybe diplomat has absolute immunity and can not be punished for an act? The answer is unequivocal: precisely the state which represents the interests of the person concerned in the case of a grave

or especially grave crime in the country where it was accredited, may be brought to criminal responsibility. [2]

Thus, the first secretary of the Russian Embassy in Canada, Mr. A., 25 January 2001 due to violation of road safety caused the death of two women. Because of diplomatic immunity, police failed to test for blood alcohol content A., although doubts about the drunk person was. A few days later it was withdrawn and dismissed from the diplomatic service. Prosecutor General's Office opened a criminal investigation immediately after the submission of the Canadian side, resulting consider a Moscow court Ambassador Alexander was convicted and sentenced to four years imprisonment be served in the colony settlement. As compensation for material and moral damages, the Canadian government agreed to pay the sum of 2 mln. USD. relatives of the victims to get compensation later on Russia [4].

**Conclusion:** I believe that the immunity from jurisdiction does not give any right to the person who uses it, to conduct criminal and other unlawful acts.

Using accurate expression of the talented scientist G. Nicholson, I want to draw the following conclusion: "Although a career diplomat rarely guilty of what I call intellectual inaccuracy, a tendency to what I call ethical inaccurate, permanent and large."

Analysis of literature and practice provides substantial reason to believe that immunity be understood by removal from the jurisdiction of the receiving State official representatives of foreign countries, their staff and other persons who enjoy international protection, and compliance with the principle of immunity against them. Immunity thus serves as a tool required for smooth implementation of foreign relations by state employees and their assigned functions.

## References

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