



## **THE ROLE OF THE UNITED NATIONS IN PROTECTING THE DIPLOMATIC AGENT**

**Wijdan Raham Khudhair**  
University of Sumer - Iraq  
[Wijdanlawyer2014@gmail.com](mailto:Wijdanlawyer2014@gmail.com)

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<b>Received:</b> September 8 <sup>th</sup> 2021 <b>Accepted:</b> October 6 <sup>th</sup> 2021 <b>Published:</b> November 28 <sup>th</sup> 2021	The diplomatic employee's work is the most important of works on the international level, Whether or time of international peace or war, And if this employee went through several stages and happened to the fact that the world is developing in relations and agreements according to the general international law, And the diplomat's staff is still fraught with various dangers, Therefore, the United Nations has endeavored, since its foundation, to protect it through private and public treaties and agreements, Which included the rights and privileges of me as a diplomat's employee, However, the employee, and with the development of the concept of international terrorism, was exposed to many risks and threats, It is through this study to define the concept of this employee and the protection that states and international personalities take.

**Keywords:** Diplomat, international responsibility, United Nations, international conventions, international terrorism, diplomatic missions

### **INTRODUCTION:**

Peace, wars, protection, privileges and immunities are among the axioms and pillars of public international law in the United Nations, where it results to the literal application of public international law and state laws, as it requires protection of the work of the diplomatic employee, and preserving the principles of civilized society to protect human rights, and any aggression or attack Or intruding on the rights of the diplomatic employee in particular constitutes an assault on the state and people of international law who work under their banner and directives and attributed to its diplomatic staff.

How do you distinguish and know who works as a diplomat, how to apply diplomatic work, as well as what it means in armed conflict, what are the types of these conflicts, what are the main problems, how to protect the diplomatic employee, what is their responsibility, and is this responsibility only the country in which he works and the diplomatic employee is present according to the laws of ability, but according to being a member of the international community Thus, according to general international law and international humanitarian law, and under the dome of international organizations, the state places responsibility on people who have attacked diplomatic personnel only.

### **RESEARCH IMPORTANCE :**

After the global trend of aggression, attacks and intrusion on the diplomatic employee, especially in the Arab world and the Muslim East, and the best

example of Turkey, Sudan, Libya, Iraq, Sudan and Palestine ... etc, which took place after 2004 and the entry into the world of wars, lack of respect for humanity and global economic and military wars, whether Visible or invisible, in which thousands of lives were lost, in addition to wounding thousands and destroying the infrastructure of countries, due to or without reason, the absence of the spirit of law, the teachings of international law and humanity, and the emergence of the law of the strong and treacherous, and we were governed by the law of the jungle, if I tried my best in this research by proposing legal texts Which are stipulated in the instructions, resolutions, treaties and protocols of the United Nations, and to discuss how the texts are applied in order to be a deterrent to countries from attacking the sovereignty of other countries represented in providing this protection, and if these laws, treaties and protocols are sufficient to provide the protection of the diplomatic employee according to what we mentioned above, and whether all immunities And protection, privileges and protection from conflict and war.

### **The first topic**

What is a diplomatic employee?

What is the diplomatic employee in three aspects of work: monitoring what happens in terms of accidents and matters, how to protect the interests of people of public international law, and negotiations in everything related to the matter, as the work and interests of people of public international law must be preserved from countries, organizations, etc. It is a very arduous and dangerous importance in light of the



current global situation of the development of global relations and the accompanying decline in all economic, security and diplomatic situations, as caution and caution must be exercised in investigating whether various information is validated or not, and avoiding making mistakes, as protecting the state and its sponsors requires great work and extensive experience as well as The United Nations Organization, and in this topic we will learn about the concept of diplomacy and the work of the diplomatic envoy, as follows:

#### **The first requirement: The concept of diplomacy**

Diplomatic work arose at a time that began with the rise of human societies that built their states and their place of stability, and discovered agriculture and industry until the end of the Middle Age in the fifteenth century AD and thus includes diplomatic work among various ancient civilizations in the countries of the ancient East and the West, but the diplomatic work expanded Significantly and very importantly in Europe, at a conference in us in the year one thousand eight hundred and fifteen A.D., as the X-Laashail Protocol was completed in the year one thousand eighteen hundred and eighteen, which made the organization of the European continent after the bloody wars of Napoleon. The Commissioners, which made the diplomatic work more stable and clear, as this period of time was characterized by secrecy in the diplomatic work until the end of the First World War <sup>(1)</sup>, and the modern era witnessed the transition of international relations from the traditional diplomatic work system to the conference system, as the world witnessed a keen interest in legal rules. On diplomatic relations <sup>(2)</sup>.

- 1- **Ahmed Ibrahim Mohamed, Diplomacy, Cairo, Center for Political and Strategic Studies, 2000, p.33.**
- 2- **Munira Abu Bakr Muhammad, The Links between Diplomatic and Consular Relations Beirut: Al-Halabi Human Rights Publications, 2013, p.**

Diplomacy is a word derived from the Greek (Diploma), as this word refers at that time to official documents issued by high-ranking officials in the provinces, villages and cities that established the ancient Greek empire and granted to persons that entailed special privileges as it was for the Romans in the beginnings and with time the meaning expanded Diplomacy, with all documents, treaties, papers, official, graduation documents, students <sup>(1)</sup> As for the definition of diplomacy, Char de Martins defined it as: the

science of the relationship and mutual reconciliation between countries, which is the consensus in the reconciliation of peoples as well as the accuracy of the phrase (the science of the art of negotiations) <sup>(2)</sup> Dr. Smouhi is extraordinary, as I knew it: as a set of legal rules, norms, procedures, decrees and formalities that are concerned with regulating relationships for people of public international law, that is, organizations, states and diplomatic representatives, with an indication of the extent of their rights and duties, the condition for exercising their official duties, and the conditions that must be followed <sup>(3)</sup> The diplomatic employee, through his diplomatic position, supervises the interests of the body that is not the most general international law person working, and this task takes multiple forms, which are <sup>(4)</sup>.

1- **Symbolic representation:** This work requires the diplomatic employee to work well and fierce defender of the interests of the party for which he works, to crystallize its ideas, and to preserve its entity in front of its various international law persons and in front of other diplomats.

2-**Legal representation:** The diplomatic work is the first representative to a body for which he works in the state or a person of public international law with it, which makes the right to sign for the body for which he works in most cases, and this is in addition to its representation in international conferences and voting in its name. The powers granted to him by virtue of laws, the constitution, special laws, international treaties, international agreements and international protocols.

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- 1- **Abdul Aziz Al-Nasser Aikan, Riyadh: Diplomatic Immunities and Privileges, 2007, p.83.**
  - 2- **Hani Al-Reda, Diplomacy, its History, its Laws, its Origins, Beirut: Dar Al-Manhal 1997, p.10.**
  - 3- **Raed Rahim Muhammad Al-Shaibani, The Raising of the Dignity of the Diplomatic Envoy as stipulated in the Vienna Agreement for Diplomatic Relations, Beirut: Al-Halabi Human Rights Publications, 2014, p.140.**
  - 4- **Ahmed Ibrahim Muhammad, a previous source, p. 17**



3- **Political representation:** as this task is to clarify the policy that the international person deals with and which is adopted by it, as he has the right to sign on behalf of any international figure he represents before the international community, as well as vote in her name, as he exercises all the powers delegated to him under the laws, treaties, international conventions and instruments <sup>(1)</sup>.

4- **Consular posts:** They are employees who are appointed by people of public international law whose parents have duties and they have rights, just as states treat them according to their local laws, and special international treaties and conferences define their work and privileges, as jobs are given to him with passports, travel documents, attributes and documents that come out from universities, assistance and a subsidy to take care of For the state of the expatriate of institutions and individuals, undertaking the work of the notary and the civil registry, and protecting the interests of the incompetent in the guardianship, the guardianship and the minor <sup>(2)</sup>.

In addition, there are some exceptional functions, for example the diplomatic mission can exercise functions of protecting the interests of a third country in the event that diplomatic relations between those persons of public international law and the state are severed. <sup>(3)</sup>

**The second requirement: The immunities and privileges approved for the diplomatic employee**

The diplomatic employee enjoys immunities and many benefits for diplomatic employees, including the immunity enjoyed by the mission headquarters, such as the inviolability of documents and archives, as well as correspondence and diplomatic pouch, exemption from the provisions of social security, as well as the inviolability of housing and its money and not being subject to regional jurisdiction. <sup>(4)</sup>

As for the framework of the Vienna Agreement on Diplomatic Relations for the year one thousand nine hundred and sixty, Article (22) deals with the sanctity of private places, so that a public authority of the government that has accredited it may not

1- **Abdel Aziz Al-Nasser, previous source, p. 194**

2- **Raed Rahim al-Shaibani, previous source, p.33**

3- **Ghazi Hussein, previous source, p. 119**

4- **Consider: Article 23 of the Vienna Convention on Diplomatic Relations of 1961**

Enter it, unless it is with the approval of the head of the mission and therefore the independent state has an obligation Specifically to take all appropriate measures to prevent the storming of places belonging to diplomatic personnel or damage to them or breach the security of the mission or rise from its prestige, and as stipulated in Article (23) of a higher agreement, the approved country and the head of the delegated staff shall be exempted from all public, regional, and local taxes and fees that are bound to them. The places of the mission, provided that the matter is not related to taxes or fees, which makes a fee for the performance of special services. And also Article (27) of the Vienna Agreement on Diplomatic Relations. The residence of the diplomatic envoy enjoys the same sanctity and protection from the two rapporteurs agreement for the places of the mission and also enjoys the inviolability of his documents and correspondence, as well as the diplomatic envoy with the same sanctity and the same sanctity and the same protection established for the places of the mission and enjoys the inviolability of his documents and correspondence as well. As for the diplomatic envoy with the same sanctity and the same protection established for the places of the mission and his documents and correspondence are also inviolable. All reasonable means shall be taken to prevent all attacks on his person, freedom or dignity, the diplomatic envoy should take all reasonable means to prevent attacks on his person, freedom or dignity. Like a sovereign state, and therefore any action taken against it is in fact issued against the state There are various immunities and privileges enjoyed by a diplomatic envoy in the host country. In terms of the practice of currency and towards the Vienna Convention of 1968, which is related to the first close diplomatic relations recognized by the United Nations and within the international norms related to diplomatic immunities.



### **First: Personal immunity**

This immunity for the diplomatic employee constitutes (the main basis) from which the various diplomatic immunities and privileges have been derived, and it is known that the basis of this immunity is the necessity of the prelude to the convenience. The diplomatic employee carries out his duties freely without any hindrances, and it is the basis of the base from which all the privileges enjoyed by the diplomatic corps employee were opened. And in which all diplomatic employees, regardless of their rank, and their status is safe, and judicial or administrative measures are observed, as well as the personal freedom of the employee or the freedom of his safety, and the host country establishes all the facilities. International, as respecting the people of general international law and observing the sanctity of the diplomatic employee is a duty, even if he does not adhere to it, it is not only a determination of personal goodness, but rather a protection linked to the sovereignty of his state, so adherence to it is to preserve his inviolability and respect the state's prestige which is represented by the rule, which includes the sanctity Person of diplomatic employee<sup>(1)</sup>

Although the protection of the diplomatic employee from detention and arrest is a rule of general international law, the conventions, including the Vienna Convention of 1961 / in Article (29), emphasized the freedom of the diplomatic employee and that he is protected and that he is not subjected ... However, there are many cases in which In it, this traditional rule was violated, for example the detention of the American ambassador to Guatemala in 1917, as well as the arrest of the Iranian ambassador to the United States of America in 1935 for violating traffic rules, and in 2005 the terrorist Al-Qaeda organization in Iraq, led by Abu Musab al-Zarqawi, was killed The Egyptian ambassador to Iraq, Ihab al-Sharif, about 5 days after he was kidnapped near his home in the capital, Baghdad, under the pretext that he worked as a diplomat in the Zionist entity<sup>(2)</sup>

1. **The example looks at the attacks on US embassies**  
(<https://ar.wikipedia.org/wiki/>)

### 2. **https:**

[//www.bloomberg.com/news/articles/2012-09-12/obama-says-u-s-condemns-attack-in-libya-in-strongest-terms-](https://www.bloomberg.com/news/articles/2012-09-12/obama-says-u-s-condemns-attack-in-libya-in-strongest-terms-)

### **Second: judicial immunity**

There is no doubt that diplomacy will be exposed if the competent authorities in the host country hear about the arrest, trial, seizure, and imprisonment of the diplomatic employee, so I found the privilege of judicial immunity that makes the diplomatic employee not subject to the judiciary and it is worth noting that the diplomatic employee is not subject to the judicial authorities in the world that are approved by personalities Morale, and this does not mean the diplomatic employee's liberation from obeying the laws, customs and regulations in that country or a person of public international law. Respect for the laws of this country, its organization and its traditions is one of the first duties delegated to it. These laws cannot be transformed into licenses in violation of the law. It is true that the diplomatic employee Independent, but he must abide by the laws, regulations, customs, etc., because he represents a person of public international law<sup>(1)</sup>

### **And judicial immunity is of three types, namely**

- 1- **If this immunity** is the impregnable shield of the diplomatic employee and not subjecting him to the authority of the criminal judiciary in the host country, and this is a natural result of the immunity he enjoys. Committing a crime, whether it is a criminal, misdemeanor, offense, or political crime. The host country has no right to implement any measures such as arrest procedures<sup>(2)</sup>.
- 2- **Immunity from civil jurisdiction**, if the diplomatic employee has immunity from the civil administrative judiciary of the receiving state, but this exemption is not absolute. It is an exception to the principle of civil judicial immunity, which is<sup>(3)</sup>.

- 1- **Raed Rahim Muhammad al-Shaibani, previous source, pg. 59**
- 2- **Sahl Hussein Al-Fatlawi, Diplomacy between theory and practice, 3rd Edition, Amman, House of Culture, 2003, p.52**



**3- Suhail Hussein Al-Fatlawi, Diplomatic Law, Amman: House of Culture, 2010, p.82**

**First:** Cases in kind relating to private real estate funds located in the territory of the approved state, unless the delegate possesses these funds on behalf of the state.

**Second:** The lawsuits related to inheritance and inheritance in which the envoy appears as an enforcer, director, or recommended heir.

**Third:** Lawsuits related to any professional or commercial activity that he practices in the country with which he is accredited outside his official position.

**3- Immunity against conditional jurisdiction,** as this immunity is intended to exclude the diplomatic employee from being subject to the laws and regulations of the police in the country accredited to it, and the performer of these things does not free the envoy from respecting the laws, regulations and systems of the country accredited to it.

**Third / Financial Immunity:**

Where this immunity is enjoyed by the diplomatic employee in the country in which he is accredited he has a set of privileges and in order to facilitate the diplomatic employee's work and stability, the state exempts the diplomatic employee from taxes, customs fees and materials intended for private use<sup>(1)</sup>

**The second topic: the status of diplomatic work during armed conflicts**

We seek in this what is the concept of conflict in the first requirement, then identify the protection of the diplomatic employee during armed conflicts in the second requirement:

**The first requirement: the concept of armed conflict**

As we must distinguish between the international and the local conflict, as the international conflict is defined as (the use of armed force by at least two warring parties, and one of them must be a regular army and located outside the boundaries of the two parties' orders, as a repeat begins and stops for field reasons (stopping the fighting) or strategic (The truce) and ends either with a surrender or a peace agreement<sup>(2)</sup>.

1- Raed Rahim Muhammad Al-Shaibani, previous source, p. 56

2- Khalil Ahmad Khalil Al-Obaidi, Protection of Civilians in International Armed Conflicts in International Humanitarian Law and Islamic Sharia, doctoral thesis submitted to St. Clement International University, 2008, p.84

As for international politics, the international conflict is (the lack of agreement between two or more states

may reach the stage of urgent confrontation, and it may be the result of diplomatic competition, an assault on state borders, an assault on national interests, a lack of respect for international laws, or a move motivated by a mutual cooperative agreement between the two states, Or the suppression of a religious minority)

In addition, a concept accompanying the concept of the international conflict emerges, which is (the law of armed conflict), which means: the set of legal rules that regulate the means of warfare and its side, it is the multiplicity of the type of conflict in terms of the parties, it is either international or non-international as it determines the beginning of the conflict and the conduct of combat operations from the cessation of fighting and armistice, Until the end of the conflict through use and reconciliation, the types of weapons that may be used in these conflicts are finally known<sup>(1)</sup>

Where the jurists of general international law have proposed six hypotheses in which the armed conflict is of an international character, and they are:

**First:** The event of an armed conflict between two or more states

**Second:** The situation of an internal armed conflict so that it becomes a case of local participation in wars

**Third:** The situation of an armed conflict in which foreign powers intervened to become international

**Fourth:** The situation of an internal armed conflict in which the United Nations forces intervened

**Fifth:** the national liberation wars

**Sixth:** Wars with the intention of secession

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**1 - For more information, it is organized by: Amal Al-Yazji, International Humanitarian Law and the Law of International Armed Conflicts between Theory and Reality, Damascus University Journal of Economic and Legal Sciences, Vol. 20, Issue 1, 2004, p. 108 and beyond.**

**Whereas, the first paragraph of Article Two of the four Geneva Conventions of 1949 stipulated the conditions for international armed conflict, and these conditions are represented according to the following<sup>(1)</sup>.**

**A-** There must be a declared war.

**B -** The armed conflict must have erupted between two or more of the High Contracting Parties.

We can say:

**International armed conflicts are known by characteristics which are<sup>(2)</sup>**



**A-** It is completed between persons of public international law

**B-** It must be by using military force, whether it is sea, air or land

**C-** It is also characterized by the breadth of its operations on a relatively large scale

**D-** Finally, the (armed conflict) aims to achieve a certain goal: forcing a country to submit to the aggressor state's demand, occupying part of its territory, taking action or abstaining from action, or seeking to destroy a particular state's thorn or its ability to resist.

**Whereas (non-international armed conflicts)**

So the concept of non-international (internal) conflicts is one of the concepts tinged with ambiguity and lack of clarity due to the difficulty of defining the type of conflict, and the parties to the conflict in contrast to the concept of (international armed conflict) which is free from ambiguity, especially when the parties to the conflict are obligated (the law of armed conflict) which aims to Protection of civilians, including women and children, therefore, understanding what internal armed conflicts are, is necessary to address the dangerous situations that arise from internal armed conflicts <sup>(3)</sup>.

**1- The four Geneva Conventions of 1949 stipulated in Paragraph 1 of Common Article 2 that they apply in the event of declared war or any other armed conflict that breaks out between two or more of the High Contracting Parties, even if one of them does not recognize the state of war.**

**2- Khalil Ahmad Khalil Al-Obaidi, a source previously mentioned, p.89**

**3- Alaa Muhammad Rahim, Social Implications of Armed Conflicts, War on Women, Ph.D. thesis (University of Baghdad: College of Arts, year 2013, p.20**

**First: The Fourth Geneva Convention 1949**

The legal protection of diplomatic personnel in the event of war is guaranteed by the requirements of international humanitarian law as the applicable law during armed conflicts. It is well established that the Fourth Geneva Convention Concerning the Protection of Civilian Persons in Time of War concluded on (12/8/1949) which constitutes the essence of international law The humanitarian and the fruit of the concerted efforts of the international community have contributed to taking preventive measures to ensure the protection of diplomatic personnel from the scourge of armed conflicts.

The above is based on the principle of the necessity to distinguish between combatants and civilians during military operations and their aftermath, based on the principle of the necessity to distinguish between combatants and civilians, and then prove They have the rights and privileges granted by the Fourth Geneva Convention on the Protection of Civilian Persons in Time of War 1949, that is, to prove to diplomats the protection established under the aforementioned convention. However, the protection established by diplomatic envoys represented by their treatment as civilians does not prove to diplomats the protection established under the aforementioned convention. However, the protection established by diplomatic envoys, represented by their treatment as civilians. Only human beings prove to them I- Failure to do anything that harms their status as a civilian and educated person, this protection is waived for these diplomats in the event that they take a direct role in the ongoing hostilities between the objectives of the conflict, and then these diplomatic employees are prohibited from carrying out acts in violation of the laws, instructions and norms, and diplomatic employees are also present Carrying weapons and participating in hostilities, and they are also not permitted to practice any acts of war, as is the protection prescribed for civilians to carry weapons and take part in war actions. They are also not permitted to engage in any actions of a military nature or to engage in acts that violate the laws of the country, the countries of occupation. Diplomats do not contribute to adhering to the limits of respecting the laws of the host country and the regulations of (the occupying countries), as it delegates them from the country to their official diplomatic functions and tasks and not of a military warfare characteristic that is essential to protecting the interests of foreigners' welfare pending the performance of the host country's duties of preventing the diplomatic employee and individuals Their families have all the necessary facilities to leave their land as soon as possible, as I have to It should put at its disposal the transportation means necessary to leave its land as soon as possible, and the truth is that armed conflicts have proven that the people most affected by armed conflict are civilians, including - diplomatic personnel. International humanitarian law has allocated more protection



to this category of civilians and diplomatic envoys. This is in anticipation of the actions and excesses that they suffer during wars <sup>(1)</sup>

**1- Osama Suleiman, International Protection Diplomatic Envoys during Armed Conflicts, Damascus University for Economic and Legal Sciences, Volume 27, Issue 4, Year 2011, P.266**

The First Additional Protocol of 1977 AD also dealt with a basic rule in order to distinguish between combatants and non-combatants, and the conflicting parties under this rule obligated the necessity to distinguish civilians from other combatants during military operations and confrontations against military objectives, in order to secure protection for persons who do not participate in hostilities and do not carry out acts of a military character as is the case for diplomatic personnel <sup>(1)</sup>.

**Second / Vienna Convention on Diplomatic Relations of 1961:**

The Vienna Convention on Diplomatic Relations of 1961 includes many obligations towards diplomatic envoys, and the most important of these obligations are:

1- Protection from any aggression: The Vienna Convention on Diplomatic Relations and the Convention on the Prevention and Suppression of Crimes against Persons Enjoying International Protection, including diplomatic employees and its punishment, concluded in 1973, required the state accredited to it to protect members of foreign missions on its territory and prevent attacks on them <sup>(2)</sup>, and it did not. The agreement specifies the type of this protection, but it should be according to each case and the strength and protection required for each individual from the Baath Party and the possibilities of being exposed to aggression and the party that attacks when providing diplomatic personnel. The Vienna Convention on Diplomatic Relations held in 1961 specified that non-aggression include the following<sup>(3)</sup>

**A** - Not to attack the personality, it is not permissible to kill, strike, kidnap him, or any kind of physical assault.

**B** - Not to violate freedom, it is not permissible to prevent movement and movement, or restriction of speech or prevented from speaking.

**T** - not to violate the capacity, so the quality of diplomacy should be respected, so it is not permissible to deprive him of the privileges and immunities that he enjoys, and it is not permissible to attack the knowledge he raises on his belt or his home.

**1- Article 57 of the First Protocol in 1947, the Geneva Convention of 1949, paragraph 2**

**2- Consider: Article (29) of the Vienna Convention on Diplomatic Relations, 1961**

**3- Osama Suleiman, International Protection Diplomatic Envoys during Armed Conflicts, Damascus University for Economic and Legal Sciences, Volume 27, Issue 4, Year 2011, pg 255**

**Third: Protecting the diplomatic employee from arrest and detention:**

The protection of the diplomatic envoy from arrest and detention is a rule of general international law. Even though the Vienna Convention of 1961 mentioned in Article (29) of it on the freedom of the diplomatic employee and that his person is protected and not subjected to any measure of arrest and detention, it seems that the scientific reality is in violation of this rule, as there are many cases in which this traditional rule was violated, we mention, for example, the detention of the American ambassador in Guatemala in 1917, as well as the arrest of the Iranian ambassador to the United States of America on 10/27/1935 for violating traffic rules in the state of Holland and also the arrest of the diplomatic staff in Iran by the students in 1979 and a lot of 444 days are in the custody of more than 52 American diplomats from November 4, 1979 until January 20 <sup>(1)</sup>, in addition to many similar cases.



#### **Fourth / Protecting the dignity of the diplomatic employee:**

Violating any rule of international law is an assault on the dignity of a diplomatic employee, and it is noted that some countries claim that they guarantee the protection of diplomatic dignity, while many incidents of attacks on the idea of dignity occur on their territories, so the United States, for example, is currently finding great difficulty in achieving full protection. The sector is a large number of diplomatic personnel, especially the envoys of Africa and Asia, and since the source of this difficulty is the racial discrimination practiced on a large scale in this country. This demonstration is represented in various areas such as housing rentals, restaurants, public magazines and other different areas, and examples of this are the Indian ambassador and secretary. In an airport in the United States of America, where he ate some food, he entered a room separate from the dining hall, which called on the Indian ambassador to file a protest to the American government because of this strong equation to the restaurant manager, saying that the Indian ambassador resembles negroes, and this saying came in a statement of discrimination on the basis of ethnicity. This act resulted in a violation of the dignity of the diplomatic envoy, and that the law is then. The American government formally apologized to the Indian government <sup>(2)</sup>.

**1- <https://ar.wikipedia.org/wiki>**

**2- Raed Rahim Muhammad al-Shaibani, previous source, p.52**

There are a set of rights affirmed to the diplomat under the Fourth Geneva Convention in 1949 and the First Additional Protocol in 1977, especially from the occupation of states and the transfer of power in them, and among these measures <sup>(1)</sup>.

**A-** The diplomatic envoys prove the right to refuse to answer any questions that may be directed to him by the occupation authorities, even if the information requested from him does not involve any harm to the security of his country. In order to obtain information.

**B -** The diplomatic employee has the right to reunify his family that arose as a result of

armed conflicts and he paves the way for organizations to undertake this task

**C-** The authorities of the Occupying Power attend to arrest or detain diplomatic employees, judge them, judge them, or condemn them for acts that they assumed and committed before or during the occupation.

Thus, the diplomatic employee has inviolable sanctity except in times of peace or war. The colonial state must treat him with decent respect and take all appropriate measures to prevent attacks on his personality, freedom or dignity. It is recognized that the diplomatic employee enjoys personal inviolability and is not limited only in the case of peace. It also included the state of war, as the outbreak of the war between the two sending and independent countries does not affect the immunity of the two envoys from each other, nor does it affect the immunity of each of the employees from the other, nor does it affect the immunity of the employees of other countries. The duty of the host country or the occupying power in this case to facilitate the deportation of foreign diplomats and their family members <sup>(2)</sup>.

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**1- See: The Fourth Geneva Convention each of Article 70,55,34,31,27,26**

**2- Osama Suleiman, previous source, 246**

#### **CONCLUSION**

By examining the role of the United Nations in protecting the diplomatic employee, it is concluded that diplomatic missions enjoy protection during armed conflicts, international treaties and diplomatic norms, and from the standards of humanity, and from the foundation they are divided into two laws for the purpose of protection, namely international humanitarian law and general international law, as international humanitarian law stipulates the protection of civilians during conflicts. The armed forces were included in the Fourth Geneva Convention in 1949, and certainly the diplomatic employee falls under the concept of civil. As for general international law, it gave the diplomatic employee protection and immunity during armed conflicts in accordance with the relevant agreements and





capabilities that we have referred to in the research, and the penalty for breaching these rules will have the effect of arranging international responsibility. The country in which the assault took place, whether or not it was under occupation, in addition to arranging personal liability for material individuals who were attacked by them, so there is widespread concern by countries of the world that is due to the close connection with the sovereignty of the state represented by the diplomatic employee who works in the field of corps. The diplomatic, as it is represented in the measures taken by the commission The state, for the purpose of taking protection as the subject of its activity or as one of the fields in which these countries are interested, that the rules for proper dealing of states requires that every country that sees the behavior of another country as a violation be referred to the diplomatic employee guaranteed by international conventions to international organizations and that it directs its attention to the violation confirmed by the texts Relevant international agreements to which the violation was issued

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