

# Not Very Diplomatic Immunity

By Reg P. Wydeven  
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For my birthday this year, my in-laws got me an awesome royal blue hooded sweatshirt with the Cobra logo from the G.I. Joe cartoon from the 1980s. Stylish, comfortable and nostalgic, it's everything you could ask for in a hoodie. My in-laws got it from possibly the greatest online retailer of all time: [www.80stees.com](http://www.80stees.com).

This website has everything a Generation X'er could long for fashion-wise. It has t-shirts from '80s cartoons like 'G.I. Joe' and 'He-Man,' movies such as 'Karate Kid' and 'Top Gun,' TV shows like 'Charles in Charge' and 'Saved by the Bell,' and even video games such as 'Pac-Man' and 'Mario Brothers.' Perusing the website was like a trip down memory lane.

One of the coolest shirts was a "Property of the Beverly Hills Police Department" from Eddie Murphy's 'Beverly Hills Cop' movies. That was a great flick that was one of the pioneers of the action-comedy genre of the decade. It also had one of the most popular themes from this line of movies: diplomatic immunity.

Action-comedies from the 1980s like 'Beverly Hills Cop' and 'Lethal Weapon' featured villains that perpetrated huge crimes but avoided being arrested because of their diplomatic immunity. While an effective plot device in fictional movies, diplomatic immunity is a very real principle.

Under the international doctrine of diplomatic immunity, certain foreign government officials are not subject to the jurisdiction of local courts and other authorities in which they are located. Like many democratic principles, immunity was founded in ancient Greece. To encourage the free exchange of information, messengers were allowed to travel from village to village without fear of harm. Diplomatic immunity formalized the phrase, "Don't shoot the messenger."

Today, immunity protects the channels of diplomatic communication by exempting diplomats from local jurisdiction so that they can perform their duties with freedom, independence, and security.

The modern rules about diplomatic immunity were codified in The Vienna Convention on Diplomatic Relations of 1961 and the Vienna Convention on Consular Relations of 1963. More than 160 nations are parties to these treaties. Immunity is afforded to persons according to their rank in a diplomatic mission or consular post and according to the need for immunity in performing their duties.

Diplomatic agents and members of their immediate families are immune from all criminal prosecution and most civil law suits. Administrative and technical staff members of embassies, like the girlfriend of Mel Gibson's character Martin Riggs in 'Lethal Weapon,' have a lower level of immunity. While this worked great for action movies in the 1980s, diplomatic immunity is not intended to benefit individuals personally, but rather to ensure that foreign officials can do their jobs.

Specifically, diplomatic immunity guarantees that diplomatic agents or members of their immediate family: (a) may not be arrested or detained; (b) may not have their residences entered and searched; (c) may not be subpoenaed as witnesses; and (d) may not be prosecuted.

Even though diplomats may think they're untouchable, this exemption may be waived by their home country. In addition, they are still subject to the jurisdiction of their own nation. The Vienna Convention provides for specific measures that can be taken by both the home and host countries in cases of misuse or abuse of diplomatic privileges and immunities.

If the Vienna Convention rules are anything like 80s action flicks, they also allow cops to shoot criminal diplomats and say, "Your diplomatic immunity has just been revoked."

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