

It is clear from this hadith that the speech is about two messengers who were sent once from Musaylamah, the liar.

2- As for your inquiry about the punishment of ambassadors and messengers, its answer is found in the explanation of item “and” of Article 7 in the book, Introduction to the Draft Constitution, and this is its text:

As for Clause F, the evidence with respect to the implementation of all the rules of Islam is derived from all what has just been mentioned that the disbeliever is obligated to abide by the foundations and the branches, thus, he is commanded to submit to all the rules of Islam. This is general, and it includes the Dhimmi and the non-Dhimmi from among those who live under the authority of Islam. Hence, all the disbelievers who enter Dar Al-Islam must be subjected to the rules of Islam except the 'Aqeedah matters, the rules related to 'Aqeedah matters and any action which the Messenger of Allah allowed them to do whether these disbelievers were Dhimmi, under covenant or asylum seekers. However, the ambassadors and their likes are excluded from this and the rules of Islam would not be implemented upon them for they would be given what is known as diplomatic immunity. This is so because Ahmed reported on the authority of Ibn Masoud who said: «جَاءَ ابْنُ النَّوَاحَةِ وَابْنُ أَثَالِ، رَسُولًا مُسَيَّلِمَةً إِلَى النَّبِيِّ ﷺ، فَقَالَ لَهُمَا: «تَشْهَدَانِ أَنِّي رَسُولُ اللَّهِ؟ قَالََا: نَشْهَدُ أَنَّ مُسَيَّلِمَةَ رَسُولُ اللَّهِ، فَقَالَ النَّبِيُّ ﷺ: «أَمَنْتُ بِاللَّهِ وَرَسُولِهِ، لَوْ كُنْتُ قَاتِلًا رَسُولًا لَقَاتَلْتُكُمْ، قَالَ عَبْدُ اللَّهِ: قَالَ: «فَمَضَتْ السَّنَةُ أَنَّ الرَّسُولَ لَا تُقْتَلُ» Ibn Nawwaha and Ibn Uthal came to the Messenger of Allah as Musaylima envoys - the liar - and the Messenger of Allah said to them “Do you bear witness that I am the Messenger of Allah?” They said “We bear witness that Musaylima is the Messenger of Allah.” Upon this the Messenger of Allah said: I believe in Allah and His Messengers. “I give you security by Allah and His Messenger. If I were to kill an envoy I would have killed the two of you” Abdullah said: the precedent of the sunna is that envoys are not killed.” (reported by Ahmad and declared Hasan by AlHaythami). So, this narration indicates that it is not permitted to kill the envoys of the disbelievers and nor to apply the punishments (Uqubat) upon them. However, this is exclusively applicable upon those who have the capacity of an envoy such as the ambassador and the “Chargé d'affaires” and the like. As for those upon whom the capacity of an envoy does not apply such as the Consul and the Commercial Attaché and the like, they would not have any immunity for they do not have the capacity of an envoy. This matter should be referred to the international convention because it is a terminological expression whose reality should be understood by way of looking into the convention and it is part of establishing the Manat (reality); in other words, establishing whether they are considered envoys or not] **End Quote from the explanation from the book, The Draft Constitution.**

The prohibition of imposing the death penalty and other penalties applies to the permanent ambassador, to the temporary ambassador and messenger as long as the reality of the “messenger” applies to them. There is no difference in the issue of not applying punishment to the permanent ambassador and to the temporary ambassador, as both are messengers to which the rules of the messenger apply to them in the matter of punishment.

As for the last part of your question: (Also, if either of the ambassadors commits a crime or undertakes an illegal activity beyond their remit as an ambassador, are they both judged and punished accordingly by the Khilafah? Or are temporary and permanent ambassadors treated differently in this matter.)

We did not detail the reality of the penalties that are included under the immunity and those that are not included, but we will detail this in the executive regulations of the articles of the constitution that we started with, and we ask Allah for help in completing them at the appropriate time, Allah willing.

I hope that this is sufficient, and Allah is All-Knowing and Most Wise.

Your Brother,

Ata Bin Khalil Abu Al-Rashtah

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The link to the answer from the Ameer’s Facebook page:

<https://www.facebook.com/HT.AtaabuAlrashtah/posts/851098296577541>