

PRESIDENT DUTERTE ARREST: INTERNATIONAL RELATION

NEWS: ICC takes custody of former Philippine President Rodrigo Duterte in crimes against humanity case

WHAT'S IN THE NEWS?

Former Philippines President Rodrigo Duterte was taken into custody after an arrest warrant was issued by the International Criminal Court (ICC) for crimes against humanity. The charges stem from his deadly "war on drugs" during his presidency, which reportedly led to the killing of over 6,000 drug suspects. The UN report indicated that most of the victims were young, poor urban males.

Former Philippines President Rodrigo Duterte Taken into Custody by ICC

- The ICC issued an arrest warrant against Rodrigo Duterte, accusing him of crimes against humanity.
- The case revolves around the brutal "war on drugs" that led to the deaths of over 6,000 individuals, many of whom were young, poor, and from urban areas.
- This case follows the earlier arrest warrant issued against Russian President Vladimir Putin by the ICC for alleged war crimes in Ukraine.

International Criminal Court (ICC)

About ICC

The International Criminal Court (ICC) is the world's first permanent international court established to investigate and prosecute individuals accused of serious international crimes.

Establishment

- The ICC was established under the Rome Statute in 1998.
- It has 125 member states.
- The court exercises jurisdiction over four core crimes:
 - **Genocide:** Intentional destruction of a national, ethnic, racial, or religious group.
 - **Crimes against Humanity:** Widespread attacks against civilians.
 - **War Crimes:** Grave breaches of the Geneva Conventions.
 - **Crimes of Aggression:** Acts of aggression by a state violating sovereignty and territorial integrity.

Jurisdiction

The ICC can exercise jurisdiction in the following situations:

- Crimes are committed by nationals of a State Party or on the territory of a State Party.
- A non-member state voluntarily accepts ICC jurisdiction.
- The UN Security Council refers a case to the ICC under Chapter VII of the UN Charter.
- The ICC Prosecutor can initiate an investigation on their own or upon a State Party's request.

Enforcement Challenges

- The ICC faces challenges in enforcement due to the lack of its own police force.
- It relies heavily on state cooperation for arrests and extraditions.
- Non-member states, such as Israel, the US, Russia, China, and India, are not obligated to cooperate with the ICC.

Why India Has Not Joined the ICC

India has refrained from becoming a member of the Rome Statute, citing several concerns:

1. Sovereignty and Political Interference:

- India believes that the ICC's subordination to the UN Security Council raises concerns about potential political misuse. India also opposes the ICC's ability to bind non-member states, which it sees as a violation of sovereignty.

2. Wide Powers of the ICC Prosecutor:

- The ICC Prosecutor has the power to initiate investigations on their own, without a State Party referral. This broad power raises concerns that the court could misuse its authority for political purposes.

3. Exclusion of Key Security Issues:

- India argues that key security concerns, such as terrorism and the use of nuclear weapons, are not covered under ICC jurisdiction. India believes that these threats should be included in the court's mandate.

4. Lack of Protection for Armed Forces:

- India is concerned that its military personnel, especially those deployed in conflict zones like Kashmir, Northeast India, or UN peacekeeping missions, could be unfairly targeted by the ICC.

5. Selective Prosecution and Western Bias:

- India points to the ICC's failure to investigate military interventions by powerful countries such as the US in Iraq, Russia in Ukraine, and NATO's intervention in Libya, suggesting that the court has a bias towards prosecuting less powerful states while overlooking actions by more influential nations.

Features	International Criminal Court (ICC)	International Court of Justice (ICJ)
Establishment	2002 (Rome Statute, 1998)	1945 (UN Charter)
Location	The Hague, Netherlands	The Hague, Netherlands
Jurisdiction	Individuals accused of serious crimes	Disputes between states
Crimes Covered	Genocide, War Crimes, Crimes Against Humanity, Crime of Aggression	Legal disputes (sovereignty, borders, treaty violations) and advisory opinions
Binding Nature	ICC rulings are legally binding but rely on state cooperation for enforcement	ICJ rulings are binding but can be ignored (enforcement through UN Security Council)
Membership	125 States Parties (Rome Statute)	All 193 UN Member States
Cases Heard	Criminal cases against individuals	Civil cases between states
Appeal	Has an appeals mechanism	No formal appeals process

Source: <https://www.thehindu.com/news/international/former-philippine-president-rodriago-duterte-icc-arrest-in-crimes-against-humanity-case/article69324385.ece>