

The Burundi way, on the country's decision to quit ICC

Burundi's [decision to quit](#) the International Criminal Court is likely to resonate in other African states whose leaders have long complained that they are targeted for investigation by the UN institution. But the obstacles faced by the court in The Hague to hold big global powers to account for human rights violations does not detract from the complicity of the region's many dictators in subverting democratic institutions to keep their grip on power. Burundi is the first member-country to leave the ICC. In September, a UN commission investigating violence for over two years under President Pierre Nkurunziza recommended a criminal investigation by the court. The panel corroborated the evidence collected by fact-finding missions, which have reported large-scale incidents of sexual abuse, torture, forced disappearances, and summary executions of over 500 people. The flight of refugees to neighbouring countries is said to have exceeded 400,000. All these atrocities were triggered by legitimate and often heroic protests in this small central African state against one man's lust for power. Mr. Nkurunziza won a third term in 2015, in contravention of a provision in the 2003 peace agreement and despite an opposition boycott. He rejected the two-term limit in his renewal bid, contending that his first tenure should not be counted as he was elected by parliament rather than through a popular vote. His pursuit of power became all the more savage since an aborted coup prior to the elections, and the military and intelligence services seem to have rallied behind his authoritarian agenda.

Meanwhile, international pressure to bring the situation in Burundi under control has proved ineffective. The African Union (AU) abandoned plans last year to authorise a peacekeeping mission, despite the commitment codified in the bloc's charter to intervene to prevent genocide. But that initial enthusiasm dissipated. Securing an extension of presidential terms is not unique to the Burundian leader. Burundi's example may well be emulated by other countries. Within weeks of a parliamentary vote last year to leave the ICC, South Africa announced its own decision, which has been deferred pending legislative approval. More worrying is the mood across the AU to defy the jurisdiction of the Rome Statute, the founding treaty of the ICC. The erroneous logic of the region's leaders is that since most of the ICC investigations involve African governments, the institution is somehow biased against the continent. Such arguments are unlikely to appeal to their people. In any case, Mr. Nkurunziza's regime may not be able to evade the international court; the UN Security Council is empowered, under the Rome Statute, to refer complaints against non-member nations. Having unanimously backed constructive engagement, the Council may exercise its authority if the situation remains dire.

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