

Is the Head of State above International Law?  
The Applicability of Head of State  
Immunity to the Commission of  
International Core Crimes

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The doctrine of Head of State immunity, though traditionally recognized as residing in a leader with respect to the sovereignty he or she represents, must be inspected in situations of derogation from the fundamental norms of international law. This question comes into sharp relief when there is a commission of core crimes and violations of *jus cogens* norms, as seen in the Arrest Warrant case between the Democratic Republic of Congo and Belgium.

Though many authors and courts are of the opinion that the head of state immunity doctrine have crystallized into customary international law, such a conclusion may be premature considering that the standards of state immunity have not yet received sufficient recognition in State practice and *opinio juris*. In the end, the balancing of interests of States requires that Head of State Immunity must be lifted as a procedural bar for criminal culpability in core crimes.