# Italian Marines' Case

## Why in news?

The Supreme Court (SC) of India would keep the Italian marines' case alive.

## What is the SC decision?

- The SC would keep the case alive until Italy pays adequate compensation for the killing of two fishermen by its marines in 2012.
- It has indicated that it would not allow the closure of the trial until such compensation is paid.
- It has ordered that the families of the victims be heard on this matter.
- It may seem pragmatic to keep any pending litigation alive until all dues relating to it are paid and all legal issues are settled.
- However, the SC's stand in the marines' case is somewhat puzzling.

## What did the PCA rule?

- The Permanent Court of Arbitration (PCA) at The Hague is an arbitral tribunal.
- It adjudicates disputes under the United Nations Convention on the Law of the Sea (UNCLOS).
- In the Mariners' case, the PCA has granted immunity to the marines.
- It also favoured Italy as the appropriate jurisdiction where they could be tried for the crime.
- The PCA wants India to compensate for loss of life, physical harm, damage to property and moral harm suffered by the crew members of St. Antony, the fishing vessel involved.
- It mandated negotiations on the quantum.

## Why pending the case doesn't seem like a good idea?

- The Indian government has already declared that it would **abide by the PCA's ruling**.
- So, it does not seem proper to delay the process of bringing closure to the matter.
- The Court's resolve to obtain adequate compensation for the families of the victims is welcome.

- But, it would be difficult to have a **judicial determination** of what quantum would satisfy these requirements.
- The Centre may have approached the top court for formal permission to close the pending trial proceedings as a matter of abundant caution.
- But, it could have **approached the trial court itself** through the public prosecutor for withdrawal from prosecution under Section 321 of the CrPC.
- Too many legal tangles have already caused enough diplomatic rupture in the progression of the Enrica Lexie-St. Antony case since 2012.

## What could be done?

- The pendency of the matter in court should not become a bargaining point that delays the reaching of a fair settlement.
- Continuing hearings may be seen as India being reluctant to cease all criminal proceedings against the marines as per the ruling.
- India’s focus should now be on negotiating for compensation and ensuring a purposive criminal trial in Italy.

**Source: The Hindu**

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