
A CRUCIAL JUNCTURE IN INTERNATIONAL LAW: CRIMES AGAINST HUMANITY AND ITS RELATIONSHIP WITH GLOBAL HEALTH RESPONSE

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ABSTRACT

International Criminal Law is a body of law that prohibits certain types of acts which are of worldwide concern and are considered as serious crimes. Owing to its sweeping nature and consequences on geo-politics and diplomacy, it only extends to the most heinous and serious crimes, especially those with widespread repercussions.

It thrives under the aegis of the International Criminal Court, which operates through the Rome Statute and the Elements of Crime to the ICC. The organization despite its controversial links to the UN Security Council has seen success since its inception in 2001. Although the Crime of Aggression found itself included into the Rome Statute after the 2010 Kampala Review, in the past decade there has been a lull in the waters of International Criminal Law as far as introduction of new crimes is concerned.

The year 2020 and the COVID destruction that followed has, however, ignited a spark in legal scholarship. Though nominal, there have been voices that have called for Governance and Leadership failure during the crisis to be prosecuted as crimes at the highest level. Attempts in this vein have not borne much fruit since, still mounting evidence from countries like Brazil does make it pertinent to examine the merits if any and demerits of this suggestion. Considering this, the attempt here is to offer a pragmatic look and try and test the mettle of the assertion made above. This article's primary focus will be rooted in International Criminal Law, however references and suggestions included will tend to be of a multi-faceted nature.

Keywords: Crimes Against Humanity, International Criminal Law, Global Health Law, COVID-19, Human Rights Violations.

INTRODUCTION

The COVID-19 era bore witness to devastation and agony, unprecedented in recent human memory. The story began in March 2020, when the World Health Organization (WHO), alerted by the rapid spread of the virus, declared it a pandemic. At this juncture, it was difficult to foresee the havoc that it would come to wreak on our civilization. It is pertinent to remain mindful that the public sat at the bottom of the information chain, and in some ways failed to immediately grasp the threat, perhaps owing to their memory of the Swine Flu and Ebola outbreaks.

For the better part of two years, the virus proceeded to wreak havoc over the world, presenting itself as the most tenacious threat yet to 21st-century civilization. It is common knowledge that the virus was a major destructive force, but in the same breath, it must be accepted that other factors fanned its fire. Government decision-making in the COVID period has been widely questioned world over, the failure of elected Government heads did exacerbate an already flaming situation. An unfortunate example of this is the Republic of Brazil, where then President Jair Bolsonaro's radical and unscientific approaches caused record loss of life.

The situation in Brazil was the first case wherein questions were raised as to the responsibility of Leaders, the public was aggrieved both emotionally and physically searching for answers within the existing framework of Law. The answer they eventually arrived at was a meeting ground of different faculties of law, most prominently, Constitutional Law and International Law. This answer came in the way of a radical report by the Brazilian Senate, containing indictments against President Bolsonaro and multiple members of his team.¹ This step, unusual as its nature, was made more so, as one of the charges levied against the President was that of Crimes Against Humanity, as per Article 7 of the Rome Statute.

Significantly, before this Report, various attempts had been made to involve the International Criminal Court in matter², but these attempts had failed since Article 7 as it stands does not foresee the situation concerned. These actions injected various thoughts into the world of legal

¹ Dr. Kamran Abbasi, 'Brazil senators back criminal charges against Bolsonaro over Covid handling' (2021), BMJ < <https://www.bmj.com/company/newsroom/politicians-must-be-held-to-account-for-mishandling-the-pandemic/> accessed 20th April, 2023

² International Criminal Court: Case Claims Brazilian Government's COVID-19 Response is a Crime Against Humanity, Global Union News (Brazil, 27 July 2020)

scholarship. But at face value, the suggestion that political in-action and mishandling could perhaps in some cases rise to Crimes Against Humanity is worth exploring.

This backdrop helps provide a segue into the root of this work, one which looks for answers and to explore the limits of International Criminal Law and its interplay with State sovereignty. This work wishes to offer a dispassionate look into the merits and demerits of a radical suggestion such as this and indulge in offering alternatives which bring with them the possibility of justice.

Throughout the length of this work, Brazil will be oft-mentioned, this has been so due to two reasons, the first is that it stands as an outlier as far as COVID-19 and governmental mishandling and malicious intent is concerned and second, because the scale of this inquiry does not allow for the space to mention other similar case studies. But this should in no way be taken to mean that there do not exist other compelling examples, there do, however, none cover the issues at the heart of this inquiry as exhaustively as the Brazilian case study does.

CRIMES AGAINST HUMANITY: DOES THE SHOE FIT?

To deduce whether political inaction and mishandling can fit into Crimes Against Humanity, there is a need to understand the concept first. While the idea of Crimes Against Humanity is not new, its most recent legal backing comes from Article 7 of the Rome Statute and the Elements of Crimes of the ICC.³

The suggestion that the International Criminal Court (ICC) can address the faults of political leaders is flawed because it deals with an area that is intertwined with many different branches of law. Many of the concerns that led to this suggestion stemmed from human rights violations, which have a normative relationship with the ICC. However, rights violations in themselves do not meet the threshold required for the ICC to intervene. The usual tipping point for the ICC to be involved is widespread violation of jus cogens norms, which are core rights violations. The Elements of Crimes (EOC) provide a framework of contextual and mental elements upon which Article 7 of the ICC Statute is based.

"The issue at hand is that after carefully examining both Article 7 and the corresponding material in the EOC, it appears that the actions of the Government Leaders do not fit the criteria

³ The Rome Statute to the ICC and the Elements of Crimes of the ICC.

outlined in the text. The language used in the text was meant to address cases of active violence, and the acts and omissions of the Government Leaders do not seem to fall under this category. Even major elements such as 'Mens rea' and 'actus reus' appear to be difficult to fulfil. While some of the elements may be met, it would require a stretch of imagination rather than sound legal merit."

THE TIPPING POINT AND POSSIBLE DEVELOPMENTS

All of this is not to suggest that the actions and omissions in these case studies and the many others omitted do not rise to the threshold of "Crimes against Humanity", but it is strictly in the extra-legal sense that these worlds collide, this joinder only happens outside of the ICC framework. There is little doubt that there was disregard and malicious intent towards the masses. The indignity that millions experienced even in death is proof enough. Just because the Governments were not the direct aggressor does not mean that they did not play an indirect role in fanning the fire, it does not mean that their policies and decisions did not make a bad situation worse.

The simple answer is to call for amendments within the definition of "Crimes Against Humanity", proposing the inclusion of 'reckless disregard to human life during health crises' as a component. However, it may prove impractical since the lead-up to the Rome Statue saw much energy go into balancing the provisions to reach a happy compromise for all state parties. Which was famously not enough even after years of negotiations, some countries still chose to abstain when the time came to vote. Such an endeavor now would not only be a mammoth task to take on but can take years to bring to fruition and might also disturb the achieved status quo.

A faint glimmer of hope however can be seen close to the horizon. The fact is that today, Crimes Against Humanity remains the only atrocity crime without a treaty. In the years that have passed, there have been conversations around its requirement. Finally, in November'22, the United Nations General Assembly's Sixth Committee adopted a resolution to make a move towards drafting the treaty.⁴ This remains an outstanding opportunity to enhance the concept and imbue it with the lessons learnt from the COVID-19 era.

⁴ Kena Betancur, 'UN Decision to Advance Crimes Against Humanity Treaty' Human Rights Watch (18 November 2022)

The lack of the treaty has been a major gap in international law, and while the Rome Statute did a great job at reaching a comprehensive meaning for the concept, it's been nearly three decades since and law requires a greater degree of cohesion with the times. So, a new Treaty could comprehensively pander to a wide variety of situations, perhaps extending itself within reasonable limits.

There is widespread agreement that Crimes Against Humanity have proliferated into every region of the world. If the Treaty includes provisions which specifically mention situations of policy failure and willful disregard of medical advice during situations of epidemics and pandemics, we will have a framework and regime that provides the tools for accountability. This would at the least be a massive step up from the current scenario, wherein there exists no international framework to ensure criminal responsibility in massive policy failures such as these.

There exists no doubt in mind, that the ratification process for such a Treaty could very well prove to be a nightmare but if it finds any success, it will have the mettle to act as a deterrent for those who wield their power arbitrarily. An additional benefit of such a development could be the garnering of interest at the domestic level, perhaps making way for similar frameworks at the grassroots. In time, this would undoubtedly increase accountability.

It becomes incumbent to acknowledge that international response is not a one-size-fits-all mechanism, it is deeply rooted in the nature and circumstance of a situation. Around the world, the results of Government mishandling were similar, but the circumstances and fact patterns differ greatly. But what is a challenge here, i.e., the identification of the criminal behaviour is also the solution when one builds the framework around COVID-19. There are multiple country-specific research projects, which go into detail regarding statistics, governmental actions and overall COVID profiles. These can be used to tease out those behaviours which can come to attract criminal responsibility and subsequently made into an exhaustive list.

The truth is, if we are lucky the COVID crisis could be a one-off in this century, but unfortunately WHO evidence suggests otherwise⁵. In this scenario, there is a need for new laws to cater to this new normal so that rather than grasping at straws, in the future there are relevant frameworks to address the concerns of victims and their families. There is a requirement for

⁵ WHO online report on 'World must be ready to respond to next pandemic: WHO chief' (22 May 2023)

Pandemic/Epidemic Response to form part of the upcoming Treaty on Crimes Against Humanity.

MAJOR CONCERNS: THE FLIPSIDE

Since this is a legal inquiry, it has the job of scrutinizing all the sides to the proposition. It is not untrue that to call for Crimes Against Humanity has a certain ring to it, it attracts eyeballs and makes a strong case for those who have suffered injustice and deprivation at the hands of their Governments and Leaders. But, as with everything, there are downsides.

The most obvious is the threat to democracy, which in this era is already hanging by a thread and facing various challenges internally in different countries around the world. International intervention targeting the top brass will challenge the stability and the political clout that countries exercise. Additionally, the ICC is infamous for its ties to the Security Council, generating a non-interventionist sentiment and defeating its true purpose. Against this backdrop, it seems unlikely that countries would like to open doors that endanger their stability.

Perhaps, it can be argued that at least in democracies, the public is the judge and if there exists mass agreement that a Leader has erred, they can be removed via processes such as by-elections, impeachment, or the usual electoral process.

Another big question, how do you criminally implicate World leaders, from within the complex web of immunities and foreign relations? As resounding as it may be to suggest the possibility, the probability of implicating a sitting Leader is far-fetched at best. The contours of criminal law usually do not clash with democracy as such, but here, they do not seem to peacefully co-exist.

If we vest power in the hands of an international body, likely the ICC, which usually has its mandates and priorities owing to its complicated relationship with the United Nations Security Council then it would likely result in the arbitrary exercise of measures. These would greatly challenge the stability and prosperity of developing countries that carry little sway with members of the Security Council.

It is important to mention that historically and practically, there will always be outliers, those who stand as a disgrace to the whole system of the social contract. Brazil is a good example of

this, Jair Bolsonaro's actions reeked of malicious intent but that is not the case for all countries where the Government failed to appropriately handle the situation. So perhaps, for Bolsonaro, criminal responsibility is an attractive proposition but for others, it is not. From the stability point of view too, the shoe does not fit. Crises such as COVID have negative impacts on the economy as is, in such a situation if countries are put through political instability, it may make a bad situation worse.

GAPING HOLE IN THE LAW

At the outset, it was clear that there exists a hole in the law but perhaps 'a hole in legal scholarship' is a more nuanced way to describe the situation. Yes, currently there exists no framework to address these issues, but all legal concepts of import have taken years to lead to their present more refined and nuanced versions. So, the expectation that these concerns as pressing as they are, will lead to a perfect answer that appeals to all is an overreach.

The ICC and the Rome Statute are shining examples of this, and so are the League of Nations and its successor the United Nations. All these developments have taken time, both owing to practical concerns and the temporal limits of advancements in the scholarship. The very question this work entertains is an attempt to push the limits of what international law and international criminal responsibility may come to mean in the future. However, to expect that even if there is some arrangement arrived at, it would target accountability for the COVID era is asking too much and perhaps going against one of the most sought-after rules of legislation, the non-retrospective effect of laws.

This is written with the knowledge that International Law has very famously witnessed the retrospective application of Laws through the Nuremberg and the Tokyo Charters. But it is amenable to remember that these too came under much scrutiny and criticism. It is also important to question whether the future of Criminal law should overlap with that of Health Law and whether legal scholars want to mould the contours of Criminal law more radically.

It is this possible overlap that is tricky to justify and bring to fruition in all practicality. In this light perhaps it is better suited to push the limits of Global Health Law, demand for some level of accountability for widespread loss of life. To expect Criminal Law to intervene in an area that has traditionally not been its remit is to push the envelope far too wide. On the other hand, there are concrete reasons to demand the intervention of international law since this complex

body of laws was envisaged for such widespread situations in the first place. These are some of the reasons why Global Health Law should find relevance, after all, it is a sub-part of the International Law framework.

ALTERNATIVES AND SUGGESTIONS

There has been ample mention of a gap, it's largely the premise of this inquiry. This thrusts upon this inquiry, the duty to find answers which may in time help fill up some of this gap. Here, it becomes necessary to step outside of the bounds of International Law and exhaustively examine any possible alternatives which may be of help to both present and future victims of such calamities.

One option is to empower regional and international Human Rights Courts, as these stories have a deep connection to Rights violations and there is no paucity of evidence suggesting widespread violation of the Right to Health and Life. Brazil even if an outlier, still leaves much room for various other world powers that failed to react accordingly to the COVID threat. While this would not be the most sensationalized form of justice, it would still be a one-up from our current predicament. It is also more likely to work, as all the required elements would be easier to establish in comparison to a criminal trial. *Asiye Genc. v Turkey*⁶ is a good example, wherein the ECtHR had held that Turkey had not taken sufficient care to ensure that its health systems functioned appropriately.

The impeachment process as invoked in Brazil, even though unsuccessful, sent a message and sometimes it is important to accept that justice, although a fundamental tenet of society, is not free from politicization and the rubrics of power. All things constant, even if the ICC was to be involved, it would undoubtedly attract politics of power into an already loaded conversation.

If one was to keep at bay the concerns of stability then in itself, Ad-Hoc Courts or Special Courts seem to be a viable alternative, especially considering their relative success for both Yugoslavia and Rwanda and Sierra Leone respectively. If we picked up from this line of thought, there would be country country-specific Ad-Hoc Court with Judges from around the world who would then preside on the matters. However, in the current international criminal law dispensation this seems rather difficult to bring about. Only if there were some changes,

⁶ *Asiye Genc v. Turkey*, Eur. Ct. H.R. 80 (2015)

e.g., if the much-awaited Treaty on Crimes Against Humanity is sympathetic to this cause and includes provisions specially catering to Government response to pandemics, epidemics, and endemics etc.

Another factor of note is that most of the countries that are signatories to the Rome Statute have not codified the core crimes within their legal frameworks. It would be of some help if Crimes against humanity would find domestic assent via codification, but then again, such assent almost entirely rests in the hands of the top brass of a country's leadership, and one could barely expect them to be interested in assenting to provisions which could ricochet back on them.

Lastly, but perhaps most significantly, COVID-19 and the general response to health crises are the primary subject matter of Global Health Law. This bracket of law is where the World Health Organization reigns supreme. At the core of the global health structure are the International Health Regulations (IHRs), they have been agreed upon as a binding treaty and are supposed to regulate the conduct of countries both during health crises and emergencies.

The IHRs were adopted by the World Health Assembly in May 2005³⁵, to establish basic legal requirements for all countries, and look to “enhance international coordination in the detection of, and response to, public health risks across borders”.³⁶ Before the outbreak of the Coronavirus, the IHR's weakness came to light during the management of the Ebola outbreak in Africa, the Zika virus in the Americas etc.

In the immediate aftermath of COVID-19, some legal scholars also leaned towards galvanizing all resources to try and draft an ‘International Treaty for Pandemic Preparedness and Response’. It is needless to mention that if ever such a Treaty was to see the light of day, it would not include criminal responsibility. Instead, one would more likely benefit from including more robust and strict compliance measures, insistence upon providing public health and scientific evidence to justify policy measures and ensuring that the WHO has access to precise data at each point.

If the last suggestion was to come to fruition, the remainder of the issues could come to be dealt with under International Human Rights Law or Criminal Law. In this way, gravity would decide the treatment of the relevant Leader or Senior Government officials. This would be a

far more pragmatic solution, envisaged to cover a variety of different situations with a variety of different responses.

This entire discussion points vehemently towards one conclusion, if International Law wishes to stay relevant, then it must change with time, and shape itself to provide assistance and access to those who suffer from 21st-century problems which were perhaps absent when the law in its present form was being shaped. Another benefit of incorporating a ‘gravity criterion’ is that it would allow the different wings of International Law to indulge in burden-sharing, rather than dumping a subject as complex and controversial as this on one area or organization.

CONCLUSION

This complex inquiry and the question surrounding it go against the norm. The answer to the initial question is a straightforward "no", but it is this "no" that has spurred the search for alternative answers. Often, thinking outside the box is what enables us to discover new opportunities and revolutionize existing systems. However, from a legal standpoint, this inquiry is unique and offers a fresh perspective that is rooted in the principles of justice.

Brazil, which is at the center of this discussion, is an unfortunate example of the arbitrary exercise of power. Currently, Bolsonaro is considered a criminal on the run. However, questions remain about whether justice has been served. Although some semblance of justice may have been achieved, it should be taken with a grain of salt. This is because the law can only function to a certain extent and is often limited by political and power systems.

To circle back to the ‘yeses’ as mentioned above, this inquiry has helped in pushing the boundaries of what international criminal justice can come to mean. It is true that the various options presented in the sections above remain riddled with issues but also offer great benefits to the predicament that faces us. But this is to make good with the fact that no legal solution is absolute, they all come with a degree of baggage and especially in a situation where there exists no real framework, it becomes important to manage expectations. This inquiry also brings to the fore the realisation that justice is rarely absolute, a more precise explanation would be that it’s relative and subjective.

The world we live in is imperfect, which forces one to see the glass half full, for instance, Bolsonaro’s fall from power and eventual exodus from Brazil is a win, it may not be tailored

in the traditional ways we understand justice, but it's something. It's a story that shows the perseverance of democracy, there is no denying that it's imperfect, perhaps it leans more towards natural justice than legal justice, but it does offer some reprieve.

The idea this inquiry entertains is novel and potentially radical, which is why it should be dealt with carefully. As mentioned above, as sensational as this idea may seem, it risks opening a can of worms, which puts into picture the ICC's decision to refuse to prosecute Jair Bolsonaro, since the Rome Statute is not equipped or envisaged to meet such an end. In some ways the process of identifying a 'tipping point' is a brutal exercise, the questions often being tougher than the answer. Does dying on the street with no oxygen constitute this mythical point, where an act gets transformed from a normal one to a crime against humanity and yet without a proper framework and guidelines, it remains impossible to exhaustively answer such questions.

At the same point, it is also understandable that proponents of different legal regimes grapple to find their relevance as a response to all the chaos. But what needs to be accepted is that it may not be necessary that they are relevant as is or can come to be of help in their present forms. There is no doubt that international law has a role to play, being at the top of the hierarchy, it should provide a mechanism to address the grievances and losses suffered by people in situations as novel and as puzzling as COVID.

More crucially for this inquiry, there is no doubt that the term "Crime against humanity" could benefit from a rehashing and rethinking. Words and terms do not just come to mean absolute ideas, it is people who attribute them. So, they carry the scope for change, which is at this point necessary. To sweep under the carpet the suffering and loss of millions of people just because there exists no comfortable method to address is an even greater injustice.

The willingness to achieve justice should not however endanger the security and stability of States, or its fundamental tenets. E.g., Democracy, for which great pains were taken around the world should become the victim of this quest for justice. It is normal to be restless but extreme ideas and actions which will undo decades' worth of growth and development cannot be dependable and long-term solutions.

It is important to clarify that the "gap in law" as mentioned above, is not called out as a criticism, it is understandable that the world does not have the means to redress an issue that has not occurred at such a mass scale before. It is not an exaggeration to believe the COVID-

19 crisis has been as defining and grave as World War II. To continue, what is of significance now is to address this “gap in law”, and to address the pain and suffering of millions around. Brazil and India are just imposing examples, much similar destruction has occurred elsewhere in the world too.

It is incumbent upon this generation of legal scholars to devise the way forward; it will perhaps prove to be their legacy. This inquiry, for instance, began with a radical idea at its center, only to quickly realize the many impediments, impracticalities, and dangers it could bring with it. Eventually, of course, even the most passionate inquiries have to find the middle path and it’s this intricate balance that lies at the center of international law.

That middle path here could very well be a “Gravity criteria”, which divides Government and Leadership response to Health crises into different levels, depending on their seriousness. Such a system could stand to take away some of the rigors which stand at the heart of this issue. For instance, at the domestic level, it is perhaps too ambitious and even slightly farfetched to imagine the criminal prosecution of those Leaders who remain in power at that point.

The Municipal legal systems can handle the lowest gravity issues. On the other hand, the second step in this hierarchy can be assigned to issues that raise serious human rights concerns but are not severe enough to warrant criminal prosecution. These issues can be addressed by regional and international human rights courts. Since the threshold for human rights violations is lower than that of a criminal prosecution, the chances of success might be even higher.

The third and final step would deal with extremely serious situations where the actions and inactions of leaders have resulted in loss of life and personal injury. In such cases, criminal responsibility at the international level could be the solution that sets an example and promotes justice. However, this measure should be reserved for those particularly malicious and arbitrary acts that directly lead to the collapse of entire systems and unjustly deny people their right to life.

As mentioned earlier, it should be recognized that criminal prosecution cannot be the sole solution. It would be too extreme to hold Leaders criminally responsible for their decisions that resulted in loss of life but were made within the scope of their legitimate authority and in good faith. Of course, Leaders are expected to exercise due care and caution, especially about health concerns, but when dealing with an ever-changing disease like COVID, there is always room

for error. Acknowledging that not all irresponsible and illogical behavior by the government can be classified as crimes against humanity or crime is crucial in comprehending the issue and determining a way forward.

There is also no doubt that the loosely designed system as discussed above, or any other system will require reform in our existing systems. All the different wings of law need to find their relevance and aid in establishing a robust and connected framework, perhaps under the auspices of the World Health Organisation. The pandemic response and the accountability for failure is a challenge for all of international law, a challenge it has to rise to if it wants to stay relevant in the times to come.

Ultimately, a sensationalized form of justice without any formal framework may be effective in the short run, attracting worldwide attention, and acting as a deterrent, however, human memory is a feeble thing. If we wish to tie ourselves to continuing accountability, crucial in the light of WHO's scientific evidence, then there is a requirement for long-term, albeit less flashy forms of justice. The rough model discussed above is a start, however, there can be no denying that the path towards real change is a long winding road. That is the misfortune of this inquiry, novel and radical as it is, its inter-disciplinary nature has the effect of slowing down any potential progress.

All in all, it is unacceptable that in the 21st century, we could come across widespread wrongs and have no formal means to even demand justice, this remains a ripe opportunity for all of Law to grow and embrace newer ideas.

PARTING THOUGHTS

This work exists in the cross-section of various legal realms, with International Criminal Law, Global Health Law, and International Human Rights Law being the major areas. An iceberg could be a great metaphor here, there is more than meets the eye at first glance. It helps bring to the fore largely dormant issues that the entire field of international law is imbued with.

While the focus of this inquiry has not been to tease out the inadequacies of international law or to question its relevance, the ensuing research does reveal that International Law once again finds itself at a juncture where it does not possess the answers. So, perhaps there is a need to borrow some pages from history and in some ways, replicate what was done in the last century.

This is crucial since time and again, especially recently International Law has come under fire for not being able to make the difference it was envisaged for.

The present situation is a ripe opportunity for the Law to assert itself and help push the agenda for Global justice. Admittedly, there are no easy solutions or happy compromises. However, the law has only evolved to this point because of its ability to cross those hurdles. So, if it has been done before it can be done again.

If International Law fails to rise to the occasion, it will be complicit in perhaps one of the darkest chapters in recent history. The inception of the International Military Trials of Nuremberg and Tokyo, the Ad Hoc Tribunals for Yugoslavia and Rwanda, Special Courts of Sierra Leone, the ICC etc., are all creations of International Criminal Law and while World Leaders often sat uncomfortably around these organizations, the fact that these developments did happen is enough proof of what can be achieved with persistence and a willingness for justice.

To end, it is pertinent to visit the idea at the center of this work, i.e., the use of the term “Crimes Against Humanity”. In the present framework, this audacious and ambitious usage of the term should act as a pin in the conversation around Pandemic response. To some, it may seem like an oversimplification of a highly complex matter, but to see the glass half full, it should serve as a catalyst for brainstorming and growth within the intersection of Global Health Law, International Human Rights Law, and International Criminal Law.

The world must come to terms with the fact that the global health scene is forever transformed, and since there is sufficient evidence not to treat COVID-19 as a “one-off freak accident”, it becomes incumbent upon this generation of legal scholars to rally and forge a path forward. There is no reason to sweep those years under the rug, rather, it is time to take cues from the rich legal history of the 20th century, where justice was found in its imperfect ways. If such turbulent times could produce the framework upon which the International Criminal Law System rests today, surely, we can pick up from where they left off.