

Canadian Institute for International Law Expertise (CIFILE) submitted a request from the ICC to investigate some world leaders and officials and Director-General of the WHO over the COVID-19 outbreak as crimes against humanity

1. In light of the current pandemic, the Canadian Institute for International Law Expertise (CIFILE) submitted a complaint before the International Criminal Court (ICC) for the alleged crimes committed by some world leaders and officials as well as the Director-General of the World Health Organization for withholding and suppressing crucial information about COVID-19 (coronavirus) which have caused hundreds thousands of deaths and health issues as well as severe economic crises.
2. On May 27, 2020, the complaint filed to request from the office of the Prosecutor of the International Criminal Court (ICC) to open an investigation and prosecution the situation to determine whether one or more specific persons as mentioned in the complaint should be charged with the commission of alleged crimes.
3. The CIFILE is an independent, non-political and private institute, working with international lawyers and scientific experts across the globe to promote the implementation of national and international law. The CIFILE facilitates access to justice and legal professionals around the world and provides legal services in international law.
4. Dr. Abbas Poorhashemi, the president of the Canadian Institute for International Law Expertise (CIFILE), stated that some victims affected by the COVID-19 coronavirus pandemic from around the world believe that the investigation and prosecution of the Prosecutor of the ICC would have an essential and vital role as a response to the alleged crimes that the victims have suffered. The gravity of the alleged crimes and the interests of victims are substantial reasons to believe that an investigation and prosecution of the Prosecutor of the ICC regarding the alleged crimes committed under the COVID-19 would serve the interests of justice. In addition, the investigation and judgment of the ICC regarding the alleged crimes could be evolving *de novo* rules, which make a significant contribution to the development and evolution of international criminal law.

5. The alleged crimes fall within the jurisdiction of the ICC under Article 7 (k) of the Statute. According to Article 7 (k), "*Crimes against humanity*" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack... other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or mental or physical health. Based on these facts, scientific and experts reports and the available information, there is a reasonable basis to believe that crimes against humanity have been committed.
6. In respect of Articles 12 and 13 of the Statute of the ICC, the Court may exercise its jurisdiction over international crimes if its jurisdiction has been accepted by the State on the territory in which the crimes were committed. In this case, Canada signed the Rome Statute on December 18, 1998, and deposited its instrument of ratification of the Rome Statute on July 7, 2000. Furthermore, in many countries around the world, including the countries members of the International Criminal Court, the alleged crimes could be committed.
7. The complaint is based on the *Jus Cogens, Ergam Omnes*, Customary international law and international treaties, especially the Rome Statute of the International Criminal Court (1998).
8. Some victims affected by the coronavirus COVID-19 from around the world including the countries which are members states of the ICC believe that their rights under the Rome Statute 1998, specifically Articles 7.1(K), 25, 27, 26 and 30, Charter of the United Nations (1945), Constitution of the World Health Organization (1946-2006), International Health Regulations (2005), Convention on Biological Diversity (Rio 1992), Universal Declaration of Human Rights (1948), International Covenant on Economic, Social and Cultural Rights (1966), International Covenant on Civil and Political Rights (1966), Convention on the Rights of the Child (1989), Convention on the Rights of Persons with Disabilities (2006) have been violated.
9. The complaint alleges that some country not only failed to inform the WHO about the

viral outbreak quickly and provide timely, accurate and sufficiently detailed and available public health information to the world, but also failed to protect the environment mainly regarding the biodiversity and some other rules and obligations which are applicable for the protection of the environment, primarily based on the principles such as prevention, precaution, cooperation and good faith.

10. The complaint also alleges, the Director-General of the World Health Organization, which considered as the United Nations specialized agency in global health, has failed to fulfill his international obligations, in particular, to notify other states timely regarding the spread of the virus in the world. The Victims have a reasonable basis to believe that based on the WHO previous experiences in SARS, the pandemic COVID19 should have announced sooner than March 11, 2020, by the Director-General of the WHO. Such a timely manner could have stopped or controlled the outbreak of the COVID-19, which has become a pandemic around the world.
11. The victims have a reasonable basis to believe that the Defendants separately and/or jointly committed crimes against humanity and violated human rights, including the rights of the child and the rights of persons with disabilities. The alleged crimes have caused the people of many countries around the world, including the countries members of the International Criminal Court, to suffer an illness, death, serious injury to body or the mental or physical health, economic disruption and other damages.
12. Finally, the complaint submitted to request the Prosecutor of the International Criminal Court to carry out an investigation and prosecution alleged crimes committed by Defendants and to order to compensate the victims of alleged crimes for all damages including, but not limited to, death, bodily harm and serious physical or mental injuries caused by the Defendants.