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Feasibility of Exercising the Jurisdiction of the International Criminal Court over International Crimes Arising from the Spread of the COVID-19 Virus

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ABSTRACT

The novel coronavirus disease emerged in 2019 in Wuhan, China, resulting in the deaths of millions of people worldwide and plunging the world into an economic crisis and widespread social concern. In this context, the possibility that the creation or spread of this virus may have been intentional, as an international crime, and the possibility of adjudicating crimes related to the deliberate creation or dissemination of this disease before the International Criminal Court have attracted considerable attention among legal scholars. With the emergence of such a dangerous virus, there exists the possibility that terrorists could also undertake dangerous actions through bioterrorism in this regard. Accordingly, the present study seeks, while examining international crimes and the crime of bioterrorism, to assess the possibility of prosecuting crimes related to this virus before the International Criminal Court. Given the global spread of the coronavirus and the possibility of its re-emergence through mutation, as well as the potential for states or other actors to use such a virus at any time or to conduct assassinations whose traces cannot easily be identified, it must be noted that no definitive findings have yet been reached regarding the origin of the coronavirus or whether its emergence was intentional or unintentional, and investigations in this regard are ongoing. Therefore, this study may contribute to clarifying this issue and provide a foundation for further legal and scientific research. Furthermore, this study attempts to examine the structure of the coronavirus and analyze the possibility of its mutations in order to assess the potential use of this virus and its variants in the context of future bioterrorism. It also seeks to identify states or actors that may have been involved in its creation or that could potentially exploit its covert origins within a bioterrorism framework, and to present relevant hypotheses in this regard. Accordingly, this research may contribute to preventive efforts and enhance legal preparedness against the misuse of biological agents under international criminal law.

Keywords: *Coronavirus disease, coronavirus, international crimes, bioterrorism, International Criminal Court*

Introduction

The coronavirus disease, first identified in late 2019 in the city of Wuhan, China, rapidly spread across the globe and created a worldwide crisis. In addition to its devastating public health consequences, this disease has also



produced severe economic and social repercussions. The possibility that this virus may have been manipulated in a laboratory has also been raised; however, at the time of writing, no definitive evidence has been established. Bioterrorism is considered one of the most serious threats to international peace and security in the contemporary world (1). Bioterrorism refers to the intentional use of biological agents such as bacteria and viruses with the aim of creating fear and causing harm among populations. Therefore, countering bioterrorism constitutes a vital necessity. International organizations also play an important role in this regard, including the World Health Organization, which has assumed a central role in responding to the coronavirus crisis and coordinating international efforts (2). Furthermore, international cooperation mechanisms and legal frameworks contribute significantly to combating terrorism, including crimes related to biological weapons, which are considered among the most serious threats to international security (3).

The research methodology of the present study is descriptive–analytical and has been conducted using library-based sources. Subsequently, through the examination and analysis of the collected documents, relevant information has been extracted and systematically classified. The main hypothesis of this study is that crimes related to coronavirus disease may fall within the jurisdiction of the International Criminal Court. However, the conditions governing the use of biological agents, the manner in which such agents are employed, and the nature of the crime committed within this context are of fundamental importance, and not every use of biological agents can necessarily be considered within the jurisdiction of the International Criminal Court (4, 5).

It is expected that the findings of this research, through analyzing the capacities and limitations of prosecuting such crimes before the International Criminal Court (hereinafter referred to as ICC), will provide guidance for strengthening international efforts to combat one of the most serious threats to humanity. Furthermore, this study seeks to contribute to improving legal capacities in responding to international crimes and also to provide a brief explanation of the structure of the ICC, the various categories of international crimes, particularly those defined under the Rome Statute, and the concept of bioterrorism (6, 7).

Concept and Definition of Terrorism

Before examining bioterrorism and its definition, it is necessary to briefly explain the concept of terrorism itself. The term “terror” in Persian discourse and literature is derived from the English word “terror.” In linguistic and legal usage, terror refers to extreme fear, panic, and intimidation among the public. In political terminology, terror refers to the killing or elimination of opponents and the creation of fear and intimidation among populations. Furthermore, international terrorism, which constitutes the subject of international legal debates, refers to terrorist acts carried out to achieve political objectives within the international community, often by individuals or groups operating independently or under state influence (8, 9).

In the following sections, the International Criminal Court will first be examined, and its relationship with terrorism will be analyzed within the framework of international criminal law.

The International Criminal Court

Before examining the International Criminal Court and briefly explaining its structure, it is necessary to first consider crimes related to terrorism and the current jurisdiction of the ICC, and thereafter assess the possibility of prosecuting acts of bioterrorism before the Court.

Terrorism and the Current Jurisdiction of the International Criminal Court

During the preparatory meetings for drafting the Rome Statute, states that had experienced terrorist activities, such as Turkey, Algeria, and Sri Lanka, requested that terrorism be included within the jurisdiction of the Court. However, during the final diplomatic conference in Rome, Italy, terrorism was excluded from the Court's jurisdiction due to various reasons, including the absence of a universally accepted legal definition of terrorism (10, 11).

The Rome Conference instead focused primarily on core international crimes, including genocide, crimes against humanity, war crimes, and the crime of aggression, and refrained from incorporating terrorism as a distinct international crime within the Court's jurisdiction (7, 12). Consequently, the jurisdiction of the Court does not inherently or independently include terrorism as a separate crime. However, terrorist acts may be prosecuted before the ICC if their material elements constitute crimes within the Court's jurisdiction, such as crimes against humanity, war crimes, or genocide. In such cases, prosecution occurs not under the legal classification of terrorism itself, but under the broader framework of international crimes recognized by the Rome Statute (4, 6).

In addition to the potential jurisdiction of the ICC over terrorist-related crimes, national courts may also exercise jurisdiction over such crimes based on the principle of universal jurisdiction. This principle permits states to prosecute certain grave international crimes regardless of where they were committed or the nationality of the perpetrators or victims. The principle of complementarity, which governs the ICC's jurisdiction, gives primary priority to national courts and reinforces their responsibility in prosecuting international crimes. Therefore, the ICC provides an institutional and legal framework that supports and complements national judicial efforts in combating serious international crimes, including acts with terrorist characteristics (6, 13).

Structure and Historical Development of the International Criminal Court

The idea of establishing an international criminal court dates back to the nineteenth century. The first formal proposal for such an institution was made in 1872, following the Franco-Prussian War, due to widespread atrocities committed during the conflict. Subsequently, numerous efforts were made to establish an international criminal tribunal. After World War II, the establishment of international military tribunals, particularly the Nuremberg Tribunal, marked a significant milestone in the development of international criminal justice and laid the groundwork for the creation of a permanent international criminal court (5, 12).

In 1948, the United Nations General Assembly requested the International Law Commission to study the possibility of establishing a permanent international criminal court. This initiative continued through subsequent decades, culminating in the adoption of the Rome Statute in 1998, which formally established the International Criminal Court. The Court became operational after the required number of states ratified the Statute, thereby creating a permanent judicial body with international legal personality and jurisdiction over core international crimes (5, 7).

The ICC operates as an independent international institution and is not formally a principal or subsidiary organ of the United Nations. However, the United Nations Security Council may refer situations to the Court under certain conditions. The Court has jurisdiction over four core international crimes: genocide, crimes against humanity, war crimes, and the crime of aggression. The Court exercises jurisdiction only over crimes committed after the entry into force of the Rome Statute and operates within a defined legal and territorial jurisdictional framework (4, 6).

The Court performs judicial, investigative, and administrative functions necessary for carrying out its mandate. The judicial functions are performed by independent judges elected by the Assembly of States Parties for fixed terms. The Court is composed of eighteen judges, who are elected by secret ballot and serve fixed terms, ensuring judicial independence and institutional continuity (5).

Definition of Bioterrorism and Its Position in Relation to the ICC

Modern terrorism has benefited significantly from globalization, particularly technological globalization, which has provided terrorist actors with unprecedented opportunities. Advances in biotechnology and access to weapons of mass destruction have increased the risk of biological threats, including the potential use of biological weapons by terrorist groups (1, 3).

Bioterrorism was previously regarded as a subset of terrorism; however, contemporary perspectives define it more broadly as any deliberate act involving biological agents that directly or indirectly threatens human health, food security, or environmental safety. This includes the intentional use of biological agents such as bacteria, viruses, and toxins to cause harm, fear, or death among populations (14, 15).

Institutionalization of Criminal Responses to Terrorism

In the contemporary international legal order, there is an increasing need for an institutionalized and organized criminal justice response to terrorism. The exercise of jurisdiction by the International Criminal Court over terrorist-related acts remains a subject of serious legal debate. Although terrorism has not been explicitly criminalized as an independent offense under the Rome Statute, incorporating terrorism within the Court's jurisdiction could potentially strengthen international efforts to combat such acts and prevent their expansion (8, 10).

Relationship Between Bioterrorism and International Crimes

Bioterrorism refers to the deliberate release of pathogenic biological agents such as bacteria, viruses, or fungi, whether naturally occurring or genetically modified, with the intent to harm, intimidate, or kill humans or animals. Biological agents used in bioterrorism may be classified into various categories based on their level of threat, transmission capacity, and mortality rates. Some biological agents are particularly dangerous due to their high transmission potential and capacity to cause widespread casualties (15).

Historically, the international community gradually recognized the need to regulate biological weapons. The Geneva Protocol of 1925 prohibited the use of biological and chemical weapons, and subsequent international agreements, including the Biological Weapons Convention adopted in 1972, aimed to prohibit the development, production, and stockpiling of biological weapons. These legal instruments represent significant efforts by the international community to prevent the use of biological agents as weapons and to enhance international security (3, 15).

In recent years, incidents involving biological threats, including the spread of emerging infectious diseases such as coronavirus, have reinforced international concerns regarding biological risks and the potential misuse of biological agents. The coronavirus pandemic has generated significant international debate regarding state responsibility, transparency, and compliance with international legal obligations. Some scholars and policymakers have raised questions regarding the international legal responsibility of states in managing and reporting pandemic outbreaks, particularly in cases involving delayed reporting or concealment of critical information (2, 16).

The principle of state responsibility in international law arises when a state commits an internationally wrongful act, resulting in legal consequences and obligations to provide reparation. The International Law Commission has emphasized that international responsibility arises from the breach of international obligations, and such responsibility may involve both material and non-material forms of reparation. This legal framework constitutes a fundamental component of international law and plays a critical role in addressing violations involving international harm, including those arising from biological threats and public health crises (6, 9).

Hypotheses Regarding the Creation of the Coronavirus for Use as a Bioterrorism Agent

With respect to whether coronavirus should be regarded as a natural, divinely caused disease or as an act of bioterrorism, numerous hypotheses have been raised to date; even more notably, certain scenarios have been predicted in advance.

When a phenomenon occurs in nature, it is not unusual for similar phenomena to emerge—for example, the disappearance of half of Europe's population in the fourteenth and fifteenth centuries due to the "Black Death," as well as the Spanish influenza in 1918, which also caused many casualties in Iran and led to the deaths of at least 50 million people. Historical experience suggests that humankind may, in each century, expect the occurrence of a pandemic. If such an event had occurred for the first time, attributing it to bioterrorism—without reliance on credible documents and sources—would amount to nothing more than conspiratorial delusion. Science possesses predictive capacity to a certain extent, and the forecasting of such a pandemic has been advanced in multiple scholarly works (14).

Among the most well-known of these works is an article published in *Nature* in 2015, in which researchers from Wuhan and American researchers predicted five years in advance that coronaviruses present in bats could, in the near future, cause a new epidemic (14).

This virus was first discovered in 1960 and was associated with severe cold-like symptoms. From an evolutionary taxonomy perspective, coronaviruses are classified into four groups: alpha (e.g., human coronavirus 229E), beta (e.g., human coronavirus OC43), gamma (avian coronaviruses), and delta (including certain porcine coronaviruses) (14).

Having provided this very brief account of the virus, attention may now be directed to political assumptions in this regard. Under the first hypothesis, it has been argued that coronavirus constitutes a bioterrorism "war" between China and the United States, given the intense tensions experienced between the two states in recent decades—commonly described as a trade war. China's rapid economic rise and the perception of threat to U.S. interests could, on this view, generate motives to paralyze the economy of China or the United States through bioterrorism. Others contend that some critics interpret the hypothesis of a biological attack against Iran and China by the United States—allegedly connected to military laboratory activity in Wuhan—as reflecting ideological and non-popular closed-system governance structures directed against foreign states. What is certain is that the matter should not be viewed exclusively through the lens of conspiratorial thinking; rather, a non-trivial probability of deliberate planning to achieve national interests must also be considered. This leads to an applied inference: whereas in the past—due to limited scientific progress and other constraints—hypotheses of genetic manipulation may have appeared implausible, today, with scientific advances, globalization, and the emergence of new phenomena such as bioterrorism, such hypotheses are not necessarily far-fetched. Indeed, it may be reasonable to recognize a

probability of human involvement, and with advances in science—particularly in biological genetics—such scenarios cannot be categorically dismissed (1, 14).

On 27 August 2021, following the release of excerpts from a U.S. intelligence investigation report, President Joe Biden accused China of withholding important information regarding the origin of the coronavirus pandemic. The highly classified report was delivered to the President after he had given intelligence agencies ninety days to intensify efforts to explain the origin of the pandemic. The report did not accept SARS and COVID as an advanced biological weapon, and it also rejected the hypothesis of probable genetic manipulation. However, it did not provide a definitive answer regarding the hypothesis of the first patient's contact with an infected animal—possibly a bat—nor did it provide a conclusive determination on the hypothesis of an accident or laboratory-origin scenario (14). Four U.S. intelligence organizations and the prosecutorial authorities reportedly considered animal-to-human transmission the most plausible hypothesis; nonetheless, for some institutions, the laboratory-leak hypothesis appeared more credible—namely, that coronavirus may have emerged through research activity or from the Wuhan Institute of Virology, and that cultivated samples subsequently escaped the laboratory. Another scenario cited is the accidental infection of a laboratory employee.

Coronavirus and Biological Weapons

In a study addressing the impact of biological weapons in warfare and offering a probabilistic view of COVID-19, a comparative analysis between coronavirus and plague, alongside a historical review of the role of states in deploying biological weapons and using viruses as weapons, treats COVID-19 as akin to a biological weapon and concludes that the legal regime governing the use of biological weapons would also apply to COVID-19 (16). The depoliticization of this issue could strengthen the role and application of international law with respect to state accountability and reinforce the responsibility framework that considers the Chinese state as bearing consequences for the devastating impacts of the virus on the international economy (6, 9).

Counterterrorism Strategies in Advancing Just Peace and Combating Terrorism

Terrorism is regarded as a matter of significant concern for global peace. Research in this field has drawn on deep theoretical foundations and broad empirical manifestations, and its scope and complexity are increasingly expanding. Terrorism has multiple causes, and one of the most fundamental drivers may be global injustice. Given the multidimensional nature of terrorism, focusing on only one causal factor cannot ensure its complete eradication; rather, without close attention to the relationship between structures of domination and the formation of international terrorism, effective counterterrorism is unlikely (8, 13).

The globalization of counterterrorism governance is likewise among the criteria for success in international counterterrorism strategy. The global character of terrorism necessitates a globalized management approach. Relying solely on a single political ideology or prioritizing the interests of one or several international actors cannot produce a truly global process for eliminating terrorism on this planet (9, 13).

Legislative Challenges of Domestic Criminal Justice Systems Confronting Terrorism

In certain countries, anti-terrorism legislation has been enacted as an instrument separate from general criminal laws. Consequently, the legal regulation of terrorism has become a universal concern. In Iranian law, two dimensions must be considered: domestic and international. Domestically, specialized criminal procedure rules are

needed; substantively, the absence of an independent criminalization of terrorism is significant. In other words, there is no explicit legal definition of terrorism within penal regulations. Given the overlap between certain manifestations of terrorism and certain offenses—such as *moharebeh* and *baghy*—and given the distinct punishments attached to each, articulating a definition of terrorism and specifying its manifestations becomes unavoidable (8, 9).

At the international level, attention to two points is necessary: first, a set of treaties has been recognized as terrorism-related instruments, and Iran has acceded to some of them, with their provisions thereby acquiring domestic legal status. Second, non-accession to the remaining instruments can generate gaps in harmonization and international cooperation obligations (6, 9).

China's Responsibility Regarding COVID-19

The delay of the Chinese government in reporting the outbreak of the coronavirus to the World Health Organization constitutes grounds for considering a potential violation of international obligations by that state (2, 16). Coronaviruses are a group of viruses capable of infecting both humans and animals, and they were first identified in humans in 1960. These viruses have the capacity to generate new diseases and pathological conditions as a result of mutations and structural changes in their genetic composition. The four principal subgroups of coronaviruses are alpha, beta, gamma, and delta. Among the most well-known forms are SARS and COVID-19, the latter of which was first identified in Wuhan, China (14, 17).

On 31 December 2019, the Huanan wholesale seafood and food market in Wuhan was identified by local authorities as the epicenter of the epidemic (16). Ultimately, on 11 March 2020, the Director-General of the World Health Organization officially declared COVID-19 a pandemic disease (2).

The responsibility of the Chinese government in relation to COVID-19 may be examined from two perspectives:

1. The responsibility of the Chinese government arising from negligence, omission, or delay in providing timely notification to the World Health Organization.
2. The potential responsibility of the Chinese government in the event that the coronavirus was developed or used as a biological weapon, which—if established—could subject the state and responsible individuals to international criminal accountability (3, 6).

Given the contradictions in the allegations, the claims of negligence, and the accusations of concealment by the Chinese government regarding the outbreak of COVID-19, this matter may fall within the scope of international law. It must be emphasized that the principle of state responsibility in international law provides that a breach of an international obligation attributable to a state entails international legal responsibility. Article 1 of the Draft Articles on Responsibility of States for Internationally Wrongful Acts reflects this principle, and from this perspective, if proven, China could incur international responsibility (6, 9).

The widespread nature of terrorist acts and the targeting of civilian populations are two elements that bring such acts closer to the legal classification of crimes against humanity and raise the question of whether terrorist acts may constitute crimes against humanity. For an act to qualify as a crime against humanity, three essential elements must exist: first, the existence of an attack directed against a civilian population; second, the widespread or systematic nature of the attack; and third, that the act is carried out pursuant to a state or organizational policy. Furthermore, the attack must be directed against civilians—meaning individuals who are not members of armed forces or who are not participating in hostilities (7, 12).

The second requirement is that the attack must be widespread or systematic, and the third requirement is that the conduct must be carried out as part of a governmental or organizational policy. Knowledge of the existence of the attack is also an essential element of crimes against humanity. In contrast, knowledge of widespread or systematic organization is not necessarily required for all forms of terrorism. In the case of bioterrorism, it must be emphasized that biological agents differ significantly from chemical agents. Biological agents are capable of causing large-scale casualties and mass destruction, and microbial agents are far more dangerous than chemical agents because they can lead to widespread infection and mortality affecting hundreds of thousands or even millions of individuals. Moreover, biological agents often require longer incubation periods before symptoms become apparent, making detection and prevention more difficult (1, 15).

Not all international crimes are equal in severity. The term “international crime” in its strict sense refers to crimes of the highest gravity that threaten international peace and security and engage the international responsibility of individuals and states under international criminal law (4, 6).

Advantages of Exercising the Jurisdiction of the International Criminal Court over Terrorism

The position of the International Criminal Court as the first permanent international criminal tribunal provides a unique institutional framework for addressing terrorist acts through criminal prosecution. The exercise of jurisdiction by the ICC over terrorist-related conduct—where such conduct falls within the legal categories of crimes under its jurisdiction—can represent one of the most institutionalized and effective criminal justice responses to such acts. This may result in significant positive consequences for strengthening international efforts to combat terrorism and ensure accountability for perpetrators of grave international crimes (5, 7).

Criminalization of Bioterrorism in International Legal Instruments

International conventions and protocols concerning the prohibition of biological weapons have been formulated in a manner that clearly reflects the international community’s recognition of the prohibition of such weapons. These include the Biological Weapons Convention of 1972, relevant resolutions of the United Nations General Assembly, and the Geneva Protocol of 1925 prohibiting the use of biological and chemical weapons. These instruments collectively establish a legal framework prohibiting the development, production, stockpiling, and use of biological weapons (3, 15).

Furthermore, the prohibition of biological weapons and terrorism may also be considered part of peremptory norms (*jus cogens*) of international law. Under international law, once an act is prohibited under international conventions or customary international law, explicit criminalization within domestic legal systems is not strictly required in order to establish individual criminal responsibility under international criminal law. Customary international law itself may establish criminal responsibility for acts that violate fundamental principles recognized by the international community of states (6, 7).

Assessment of the Use of Coronavirus in the Context of International Crimes

Before examining the potential use of coronavirus in the commission of international crimes, it is necessary to briefly review the nature of the virus itself.

Coronaviruses are a group of viruses belonging to the Coronaviridae family that cause respiratory infections in birds and mammals, including humans. These viruses were first identified in the 1960s and have since evolved into

multiple variants capable of infecting human populations (17). The most recent variant, SARS-CoV-2, emerged in December 2019 in Wuhan, China, and rapidly spread worldwide, eventually becoming a global pandemic and an international crisis (2, 16).

The international community is now deeply concerned about the potential misuse of such viruses by terrorist actors for the purpose of targeting populations or political opponents. The deliberate use of biological agents, including viruses such as coronavirus, may fall within the legal framework of war crimes or crimes against humanity if used intentionally to cause widespread harm to civilian populations (1, 3).

Inaction of the United Nations Security Council Regarding the Coronavirus Pandemic

The United Nations Security Council, as the primary organ responsible for maintaining international peace and security, is expected to respond to global threats such as pandemics. However, the Security Council is inherently a political body, and political considerations often influence its decision-making processes. Previous Security Council responses to global health crises such as HIV/AIDS and Ebola demonstrate that the Council has, under certain circumstances, recognized pandemics as threats to international peace and security (18).

In the case of COVID-19, political disagreements among permanent members of the Security Council—particularly between major powers such as the United States, China, and Russia—contributed to delays in decisive action. Ultimately, the Security Council adopted Resolution 2532 in July 2020, recognizing the COVID-19 pandemic as a threat to international peace and security, although the resolution was less robust than previous resolutions concerning other pandemics (18).

It must be emphasized that, unlike the Security Council—which has a political nature—the International Criminal Court possesses a legal and judicial character, and therefore provides a more appropriate forum for the legal assessment of issues related to international criminal responsibility arising from acts such as bioterrorism or the unlawful use of biological agents (5, 6).

Conclusion

The novel coronavirus, with its mutated molecular structure, has caused the deaths of millions of people and has been recognized as a deadly threat to humanity. The possibility of its deliberate creation, intentional terrorist use, or utilization as a weapon of mass destruction, as well as the potential risks associated with its future deployment or the use of similar biological agents, highlights the urgent necessity of addressing and criminalizing such conduct within international legal instruments. This article sought to examine the feasibility of prosecuting crimes related to this virus before the International Criminal Court and to assess the possibility of its unlawful use within the legal frameworks of bioterrorism, war crimes, genocide, and crimes against humanity.

With regard to bioterrorism, despite its inherently international nature and the theoretical possibility of exercising universal jurisdiction over such crimes under international law, bioterrorism has not been explicitly and independently criminalized within the Rome Statute of the International Criminal Court. However, if acts of bioterrorism can be legally characterized within the existing categories of crimes defined in the Statute, the Court may exercise jurisdiction over such conduct. For example, acts involving the use of biological agents under conditions satisfying the material and mental elements required for crimes against humanity may fall within the jurisdiction of the Court, even though certain aspects—particularly the intent and method of deployment—may differ in specific legal characterization. Accordingly, laboratory production, replication, intentional dissemination, or

deliberate obstruction of vaccination efforts related to the coronavirus could potentially constitute international crimes such as bioterrorism, genocide, war crimes, or crimes against humanity, depending on the presence of the required legal elements.

The innovation of this article lies in its examination of the potential intentional use of coronavirus and the necessity of ensuring criminal accountability in confronting this unknown and complex biological threat, as well as other biological agents and viruses. It further emphasizes the importance of enabling judicial review of such conduct before the International Criminal Court. Based on the analysis conducted, this study proposes that bioterrorism-related crimes in general, including the intentional use of biological agents and even the deliberate obstruction of vaccination, should be explicitly incorporated into the Rome Statute of the International Criminal Court. This expansion should extend to other lethal biological agents as well. Furthermore, the establishment of an international supervisory commission is recommended, with authority to inspect national laboratories and assess the potential military or terrorist misuse of biological agents. Therefore, the criminalization of such conduct within international legal instruments, as well as within the Statute of the International Criminal Court, and the creation of monitoring and enforcement mechanisms to investigate and prosecute related violations, constitute an essential and urgent necessity for the protection of human societies.

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Authors' Contributions

All authors equally contributed to this study.

Declaration of Interest

The authors of this article declared no conflict of interest.

Ethical Considerations

All ethical principles were adhered in conducting and writing this article.

Transparency of Data

In accordance with the principles of transparency and open research, we declare that all data and materials used in this study are available upon request.

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References

1. Roshandel. Bioterrorism: The Most Serious Threat to International Peace and Security. 2010.
2. Hosseini RSM. The Coronavirus Crisis and the Failure of States to Implement International Obligations. 2020.

3. Moazzami S, Namamian P. Nuclear Terrorism Law in International Instruments. Tehran: Dadgostar Publications; 2014.
4. Pourbafrani H. International Criminal Law. Tehran: Jangal Publications; 2020.
5. Mir Mohammad S. International Criminal Court. Tehran: Dadgostar Publications; 2008.
6. Danilenko G, Aghaei H. International Criminal Law. Tehran: Jangal Publications; 2014.
7. Momeni M. International Criminal Law. Tehran: Mizan Publications; 2019.
8. Norouzi. Hate Crimes and Terrorism in International Criminal Law. Tehran: Javidaneh Publications; 2021.
9. Ghasemi A. International Law (Collected Articles). Tehran: Judicial Sciences University Press; 2017.
10. Familani A. Perspectives on International Criminal Law 2015.
11. Shariat Bagheri MJ. International Criminal Law. Tehran: Jangal Publications; 2008.
12. Ardebili MA. International Criminal Law. Tehran: Mizan Publications; 2008.
13. Bigdeli MR. Law of War. Tehran: Allameh Tabataba'i University Press; 2001.
14. Mousavifard SMR, Khodayar H. Medical Passive Defense Foresight in Biological Attacks with Emphasis on the Coronavirus Bioterrorism Hypothesis. Medical Law Journal. 2023;16(57).
15. Tadin K, Motamed N. Biological Weapons Convention Explained in Simple Language. Vaccine and Disease Prevention in Veterinary Journal. 2024.
16. Moghaddasi Fard O, Mirabbasi SB, Rezaizadeh MJ, Seirafi S. Violation of International Law by the Origin State of the Coronavirus Pandemic. Iranian Political Sociology Journal. 2023;5(2).
17. Kooraki S, Hosseiny M, Myers L. Coronavirus Outbreak: What the Department of Radiology Should Know. 2020.
18. Ramazani Ghavamabadi MH. Pandemic Disease and International Peace. 2020.