

## Editorial

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International criminal law is, today, recognised as a branch of public international law. With its unique characteristics and ability to achieve groundbreaking justice for crimes such as genocide, crimes against humanity and war crimes, it has certainly received much recognition and there is absolutely a need for its existence. Its interplay with international criminal courts and the way in which the sources of international criminal law are utilised are especially interesting. In addition, the way the different sources of law intertwine with one another can be very dynamic. However, there are also other intriguing factors to take into consideration when looking at these international criminal courts, and as international criminal law is evolving constantly in many ways, whether this process entails precedent is certainly a question to be asked.

The very first article of issue 18(2) of the *Tilburg Law Review* does indeed consider the use of precedent as a particularly intriguing factor. Aldo Zammit Borda assesses situations in which courts and tribunals have in fact used precedent as a direct source of law and seeks to uncover the dangers of this type of reliance. The article will bring forward the examination of an issue relating to international criminal courts that, more often than not, is overlooked.

As a very short foreword to the second part of the issue, it is worth mentioning that the past decade has demonstrated an evolution in the way humanitarian bodies deal with situations of armed conflict and natural disaster. This is, in part, due to the complexities and challenges arising from the instances in which conflicts have strayed from being international, to being that of a more intra-state nature and thus involving different types of armed groups. Furthermore, the aforesaid challenges could also be a product of the exponential rise in victims of natural disasters and the balance that has to be achieved between this and the strict regulation imposed upon humanitarian assistance as a consequence of state sovereignty.

Humanitarian assistance and the law that surrounds it is therefore a crucial area that needs much attention from the international community because, without this type of aid, many millions of people could potentially be denied some of their basic rights. It is for this reason that in this issue of the *Tilburg Law Review*, three contributions have been included to highlight the growing need for research on various aspects of international humanitarian assistance, which will hopefully illustrate the different aspects of this area as vital legal issues.

The article by Angelica Fanaki delves into the work by the International Law Commission on the 'Protection of Persons in the Event of Disasters' and considers this project in the light of international disaster response laws and legal principles, such as sovereignty. Humanitarian assistance also has strong connotations with human rights. This link has been recognized by 'case law' of various human rights treaty bodies. In the article by Marlies Hesselman, the obligations of state parties, to various human rights instruments, is analysed with regard to emergencies. And finally, our last article, by Dr. Brigit Toebes, examines the obligations for states in emergencies with regard to the right to health, focusing specifically on access to essential health related services.