

States of Exception: *Policing, COVID-19, the 13th Amendment, and the Suspension of Human Rights in Belize*

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Abstract

This paper examines the rise and institutionalization of emergency governance in Belize through the lens of the COVID-19 pandemic, subsequent states of emergency in response to crime, the proposed Thirteenth Amendment to the Constitution, and the 2025 High Court decision in Staine v. Attorney General. The paper situates Belize within the broader international context, touching on questions of sovereignty, surveillance, and rights. By drawing on Agamben's theory of the state of exception, Foucault's concepts of governmentality and biopolitics, and Mbembe's examination of necropolitics, the paper analyzes how power operates through legal, political, and embodied forms of control. Furthermore, it advances the claim that emergency powers are evolving into customary law, and spatialized policing tactics are now disproportionately affecting marginalized groups. The analysis foregrounds ethnographic evidence of how rights are lived and lost, showing the disjuncture between state narratives of crisis and the ordinariness of daily life. Furthermore, by placing these developments alongside Belize's international human rights law obligations, it is evident that the Thirteenth Amendment risks constitutionalizing exceptionalism and creating geographical zones of suspended human rights.

Keywords: State of exception, biopolitics, governmentality, necropolitics, emergency powers, human rights, constitutional law, spatialized policing, postcolonial governance

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Introduction

The COVID-19 virus was a 21st-century public health crisis of unparalleled proportions and an almost surreal global moment. On March 11, 2020, WHO declared COVID-19 a pandemic and triggered a global institution of states of emergency at an unprecedented scale (Adhanom, 2020; Greene, 2020). This response to the COVID-19 pandemic, which numerous critical theorists have noted, served as a momentous political turning point that redefined the relationship between individual rights and state power (Agamben, 2020; Coradetti & Pollicino, 2021; Smith, 2023). It was one in which extraordinary powers were granted, or seized, by governments across the globe in the name of human security and public safety. Under the guise of prevention, containment, and necessity, governments worldwide implemented emergency measures, including curfews, lockdowns, vaccine passports, and increased policing, thereby enacting what critical theorist Giorgio Agamben identified as the state of exception (Agamben 1998, 2005). These state actors justified these actions as extraordinary, short-term solutions to an unprecedented medical crisis.

Belize was not immune to the medicalization of politics and the politicization of medicine; hence, exceptional political measures were adopted to “fight” the pandemic. As such, through public statutory instruments, the government implemented curfews, stay-at-home orders, and substantial police powers during the pandemic (SI. 46, 52, 56, 2020). These measures were largely accepted as essential public health protections, even as they reshaped Belizeans’ expectations of state authority and altered the relationship between citizen and sovereign. Fundamental freedoms of movement, assembly, and association, ordinarily safeguarded by the Constitution, were suspended, and daily life was monitored and disciplined under a legally sanctioned apparatus of control.

However, before the COVID-19 pandemic, Agamben (2005) already argued that the state of exception would become a dominant feature of contemporary politics a claim that the pandemic dramatically substantiated. In other words, once the emergency apparatus is put in place, it rarely disappears; it persists, normalized and ready for redeployment. In Belize, this migration of emergency authority shifted from pandemic management to crime control. The proposed 13th Amendment to the Constitution grants the government new powers to impose localized states of emergency in areas deem crime-ridden by the state (13th Amendment Bill, 2025). Residents become subject to curfews, warrantless searches, heightened police presence, and the suspension of due process rights in these emergency zones. In essence, the Amendment would formalize into the Constitution what has previously been defined as extraordinary, short-term measures and make them law. What was unique during the COVID-19 pandemic now risks becoming a recurring aspect of Belizean governance and daily life.

This transformation raises profound human rights questions. Under international law, mechanisms such as the International Covenant on Civil and Political Rights (ICCPR), which Belize has ratified or in other words formally agreed to, it is very clear which rights are derogable or can be suspended and which rights are non-derogable and can never be suspended. The ICCPR is further supplemented by frameworks like the Siracusa Principles that make it clear that derogations from certain rights are allowed only during genuine public emergencies that “threaten the life of the nation,” and only to the extent strictly required by the situation. However, in Belize, crime is increasingly framed as a permanent emergency, creating the conditions for indefinite suspension of rights, particularly in specific marginalized communities. Moreover, regional evidence suggests that states of emergency have limited and often temporary effects on crime reduction. The turn toward SOEs as a default policing tool is thus unsupported by strong evidence, even as the human rights costs intensify.

This paper highlights this issue at a critical juncture. While emergency powers have been legally analyzed in many other national contexts, in Belize there is substantial commentary (Vernon, 2025; Vasquez 2026) but an overall lack of academic scholarship examining how such powers evolve within small postcolonial states. Where a legacy of colonial policing architectures, racialized governance, and limited institutional oversight influence how exceptional authority is exercised. Across the Caribbean, states such as Jamaica, Trinidad and Tobago, and the Bahamas have periodically relied on states of emergency, most often framed around crime control, yet these measures are typically treated as temporary responses rather than

constitutionally entrenched governing tools (Pellegrini 2025). Belize offers a pivotal case through which to explore these dynamics. Unlike much of the region, Belize is moving toward encoding emergency powers into the constitution as a routine mechanism of governance. Accordingly, the central research question guiding this study is how have emergency powers in Belize, initially justified by COVID-19, become normalized as an instrument of governance, and what are the implications for human rights in a small postcolonial democracy?

To address this question, this study draws on Giorgio Agamben's theory of the state of exception (Agamben, 1998, 2005), Michel Foucault's analytics of governmentality and biopolitics (Foucault, 1991; 2003), and Achille Mbembe's concept of necropolitics (Mbembe, 2003, 2011). Agamben illuminated the legal architecture through which rights are suspended in the name of preservation. Foucault clarified how population management operates alongside disciplinary technologies, such as surveillance, normalization, spatial enclosure, and the regulation of bodies, to produce compliant subjects through everyday practices of control. Mbembe, attended to the racialized and classed dimensions of state power, exposes how specific populations become disproportionately governed through violence, abandonment, and disposability.

The legality of a single constitutional amendment is not the only issue at hand. Belize is an example that demonstrates how emergency governance becomes institutionalized, normalized, and spatialized once it is implemented, a pattern observable across diverse global contexts. From counterterrorism regimes in France (Chalkiadaki, 2015) and the United States (Robinson, 2007), to pandemic governance and crime-control measures in parts of Latin America (Llanos & Marsteintedet, 2023), states increasingly invoke crises to legitimate the restriction of rights and the expansion of police authority, particularly in marginalized and underprivileged areas. Belize thus exposes how emergencies, whether framed as public health threats or surges in criminal activity, become enduring apparatuses of rule. Furthermore, it forces us to confront the difficult question of what happens to human rights when the exception becomes the rule.

Theoretical Framework

This research employs critical theory (Race, 2022) to investigate how Belize's emergency powers transition from short-term solutions to crises, ultimately becoming accepted governance practices that compromise human rights. The framework is required because traditional legal or policy analyses cannot adequately consider the 13th Amendment's broader implications for changes in sovereignty, legality, and life. The Amendment's reasoning aligns with deeper theoretical currents regarding how contemporary states govern through suspension, surveillance, and disposability, even though it positions itself as a practical security tool. Furthermore, it enables a more comprehensive examination of the 13th Amendment, not just as a legal change, but also as a reorganization of Belizean sovereignty and citizenship, where security imperatives are employed to address persistent rights violations through a triangulated lens.

The State of Exception

According to Agamben (1998, 2005), the state of exception is a political paradigm where the law suspends itself to protect itself. In this context, people's rights are restricted not to preserve the entirety of social life but rather to reduce them to what he refers to as "bare life," or life devoid of legal and political safeguards. Despite being advertised as short-term, extraordinary measures often continue, establishing a permanent state of emergency. Recent scholarship continues to engage Agamben's theory of the state of exception to analyze contemporary crises. For example, Flohr's (2025) work explores how pandemic governance reconfigures sovereign emergency powers considering Agamben's framework to create comparative studies that examine how exceptionalism operates across different national contexts.

This reasoning is best illustrated by Belize's response to the COVID-19 pandemic. The government enforced stringent curfews, limited travel, and granted police the authority to detain individuals who violated these measures under Statutory Instrument No. 46, effective April 1, 2020 (Belize Government Press Office, 2020). The Statutory Instruments used during the COVID-19 pandemic suspended fundamental rights guaranteed in Belize's Constitution, including the freedoms of movement, assembly, and association. As a result, individuals were arrested for violations of emergency regulations. Primarily breaches of curfew,

unauthorized movement, and noncompliance with police directives leading, according to national media, to 105 arrests in April 2020 alone (PlusTV, 2020).

Now the State of Exception is seeking to be extended beyond the pandemic by the proposed 13th Amendment. The amendment enshrines in the Constitution the same suspension of rights that was previously framed as temporary by giving the state the authority to impose localized states of emergency in so-called “special areas” (The Belize Constitution 13th Amendment Bill, 2025). Curfews, prolonged detention, and warrantless searches are actions that can be legally imposed on residents in these areas. This is the institutionalization of the exception, where emergency becomes the method of the law rather than the deviation from it.

Biopolitics, Governmentality, and Spatial Surveillance

While Agamben explains the legal framework of emergency powers and exceptionalism, Michel Foucault provides the language to examine how these measures operate across different populations and geographical locations. For Foucault, biopolitics refers to a form of power that takes the biological life of populations as its object, seeking to regulate, optimize, and manage life processes such as health, reproduction, morbidity, and longevity (Foucault, 2003). In the name of health protection, a classic Foucauldian biopolitical moment occurred as states regulated daily life during the COVID-19 pandemic by restricting mobility, monitoring bodies, and regulating social interaction.

Governmentality, or the “conduct of conduct,” a concept also developed by Michel Foucault, refers to how biopolitics is implemented through techniques that shape and regulate citizens’ behavior by accustoming them to new norms and standards (Foucault, 1991). During Belize’s lockdowns, patrols and checkpoints became commonplace as police monitored neighborhoods, enforced curfews, and arrested individuals for being outside after hours. Through these everyday practices, the public became accustomed to extraordinary forms of governance, normalizing heightened surveillance, and disciplinary control.

In Belize, the plague conditions resulted in the “dream of the perfectly governed city,” a space in which public health crises justified meticulous control over bodies, behaviors, and urban life (Foucault, 2003). The pandemic exposed a new order apparatus in Belize. The long-term extension of this apparatus, which blurs the distinction between emergency management and routine policing, is now one of the desired outcomes of the 13th Amendment.

Necropolitics

Mbembe (2003, 2011) conceptualizes necropolitics as a form of power through which sovereignty is exercised primarily through the capacity to dictate who may live and who must die, governing populations through exposure to death, violence, and abandonment. In contrast to Foucault’s biopolitics, which focuses on the management and optimization of life, necropolitics foregrounds the production of death worlds, particularly in colonial and postcolonial contexts. Under such conditions, sovereignty frequently entails determining whose lives are deemed disposable and whose are protected. Marginalized groups are therefore disproportionately affected by emergency powers, especially when these powers are spatialized, leaving them vulnerable to violence and instability.

Residents of Southside Belize City, where young Black men are frequently portrayed as “suspect bodies,” are disproportionately impacted by the proposed emergency zones in Belize. More than 100 men were arrested without being charged during the 2018 Southside State of Public Emergency, with some of them being held in the Belize Central Prison in appalling conditions for extended periods of time (Amandala, 2018). By removing residents’ legal protections, these actions normalized arbitrary detention and stepped up police enforcement.

Mbembe’s necropolitics helps us see that the 13th Amendment does more than suspend rights; it also undermines them. To secure others, it essentially renders some populations disposable by selectively removing their protection. This is demonstrated in the overwhelming cases of police brutality in Belize and

socially in the deterioration of living conditions brought on by ongoing monitoring, harassment, and a lack of legal options (U.S. State Department, 2021).

In summary, this study deliberately applies the state of exception as a conceptual bridge linking biopolitics to necropolitics. Contemporary scholarship emphasizes that emergency powers increasingly migrate from temporary crisis responses into permanent legal and administrative frameworks, where biopolitical techniques of regulation intersect with racialized and spatialized forms of control (Collier, 2009; Puar, 2017). In Belize, COVID-19 represented a critical rupture: a public health emergency that normalized extraordinary governance in a state already reliant on states of exception to manage crime and insecurity. Pandemic governance did not introduce exceptional rule but rather expanded, normalized, and legitimized it, allowing emergency logics to be reframed as necessary, routine, and ultimately constitutional. For example, no one questions permanent check points in Belize City because it has become normalized and routine. This normalization of exception, however, does not operate evenly across the population. Thus, Belizeans biopolitical regulation hardens into permanent security governance, and gives way to necropolitical outcomes in which certain communities are rendered disproportionately vulnerable to detention, violence, and abandonment. Read together, Agamben elucidates how the suspension of law becomes normalized within constitutional order; Foucault reveals how that suspension is operationalized through techniques that discipline and regulate life; and Mbembe exposes how these processes ultimately determine whose lives are protected and whose are made disposable. Examined through this triangulated lens, Belize's 13th Amendment emerges not as a neutral security reform but as the culmination of a longer trajectory in which crisis governance restructures sovereignty, redefines citizenship, and transforms emergency powers into enduring instruments of rule.

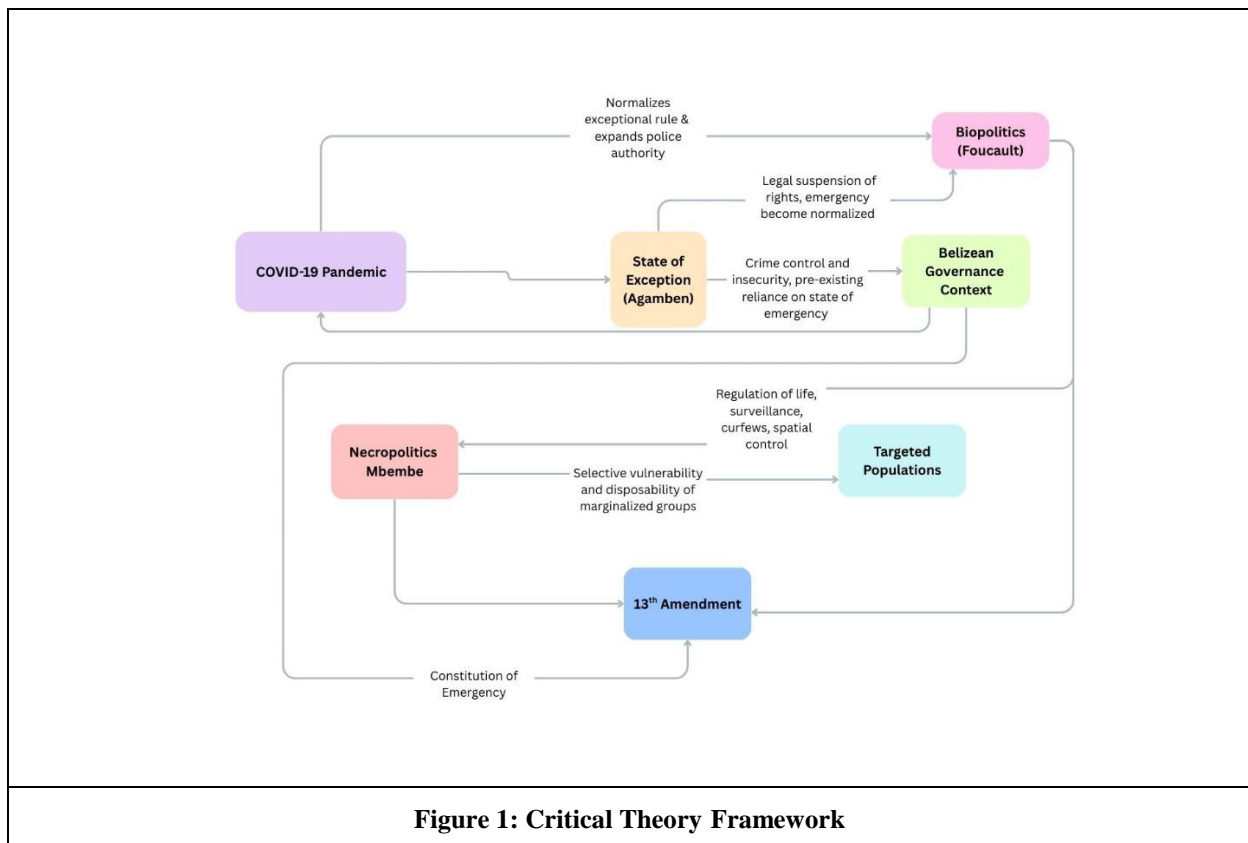


Figure 1: Critical Theory Framework

Figure 1 represents the critical theory framework illustrating how Belize's emergency governance operates. The state of exception (Agamben) provides the legal mechanism for suspending rights; biopolitics (Foucault) explains how these powers regulate and discipline everyday life; and necropolitics (Mbembe) highlights the uneven, racialized exposure of populations to harm. COVID-19 is depicted as a critical moment that amplifies exceptional governance, setting the stage for constitutionalization of emergency powers through the 13th Amendment.

Methodology

This study adopts a qualitative socio-legal documentary case study design, using critical discourse analysis to examine how emergency powers in Belize have been framed, enacted, and contested between 2018 and 2025. A socio-legal approach is appropriate because the research question concerns not only the formal legality of emergency powers but also how law operates as a social and political practice that reshapes citizenship, space, and authority (Banakar & Travers, 2013; Sarat & Kearns, 1995). A document analysis method allows for an in-depth examination of a bounded national context where legal texts, institutional practices, and lived consequences converge (Salminen, 2003).

Critical discourse analysis (CDA) was selected because the study investigates how "crisis," "security," and "necessity" are constructed through official language to legitimize the suspension of rights. This method enables attention to how state actors produce authoritative narratives of emergency and how these narratives structure legal and political action (Wodak & Meyer, 2009). It is therefore well-suited to analyzing emergency governance, where the power to name a situation as a crisis is itself a central political act. While CDA has been critiqued for its potential subjectivity and textual interpretation over material outcomes (Hammersley, 1997; Breeze, 2011), this research employs CDA strategically to uncover how language and legal narratives surrounding Belize's 13th Amendment both reflect and reproduce broader power structures. Therefore, making it a necessary tool for linking legal changes to socio-political and human rights impacts.

Data was drawn from four sources:

1. Statutory instruments and constitutional amendments (SI Nos. 46, 52, 56, 170 of 2020; Belize Constitution Thirteenth Amendment Bill, 2025);
2. Judicial decisions, including *Staine v. Attorney General* (2025);
3. Recordings of readings from the House of Representatives and press releases, accessed through the Belize National Assembly digital archive, and the Government Press Office database;
4. Media and human rights reports, retrieved from national and regional media houses, government sources, and regional/international repositories (OAS, Amnesty International).

Documents were included if they directly addressed emergency powers, rights restrictions, or pandemic- and crime-related governance in Belize. These materials were collated through a systematic review of official government documents, legislative records, public addresses, and parliamentary proceedings, including recordings of readings in the House of Representatives. The documents were read iteratively, with multiple rounds of close reading undertaken to allow patterns and points of emphasis to emerge over time.

During these readings, analytic notes were recorded to identify recurring themes in state justifications for emergency powers, the framing of rights restrictions, spatial targeting, and security discourse. Analysis proceeded through a combination of inductive and deductive coding: inductive coding was used to capture themes emerging directly from the texts, while deductive coding was guided by existing theoretical frameworks on emergency governance (Saldana, 2013). Coding was conducted manually and documented in a structured set of reading notes.

COVID-19 Emergency Powers to States of Emergency

The onset of the COVID-19 pandemic in 2020 marked the beginning of a significant expansion of governmental power in Belize. Several legislative measures, including SI No. 46 of 2020 and SI No. 170 of 2020, enforced curfews, limited public gatherings, mandated the use of masks, and shut down businesses,

schools, and universities. Ordinary freedoms of movement, association, and assembly were suspended, and quarantine regulations strictly restricted entry into Belize. The Government of Belize promoted these actions as essential public health measures.

Enforcement of these measures relied heavily on the police. Who played a key role in enforcing these laws, as they had the authority to stop, interrogate, punish, and detain people for breaking curfews and other emergency laws. Constitutionally guaranteed rights were made conditional on adherence to executive orders. This signaled a significant rebalancing of the citizen-state relationship. During the pandemic, bodies were regulated, spaces controlled, and populations disciplined. Curfew hours, police patrol visibility, and the control of daily life under threat of punishment were all things that Belizeans grew accustomed to.

Between 2024 and 2025, Belize proclaimed multiple states of emergency (SOEs) in response to the rise in gang-related violence. Broad police powers were granted by these emergency measures, which included curfews, warrantless searches, prolonged detention without charge, and the arrest of suspects. The arrests were carried out under the expanded powers granted by the declared states of emergency, which allowed law enforcement to detain individuals on suspicion of involvement in gang-related activity rather than on the basis of specific criminal charges. These measures temporarily suspended ordinary procedural safeguards, permitting warrantless searches, mass arrests, and prolonged detention without charge. Similar practices were documented during earlier states of emergency. A 2020 Country Report on Human Rights Practices (U.S. Department of State) noted that, although Belizean law and the constitution prohibit arbitrary arrest and guarantee the right to challenge detention, the government repeatedly failed to observe these requirements during SOEs. In that period, law enforcement targeted alleged gang elements through house raids and preventive detention, resulting in over 100 individuals being imprisoned without trial (U.S. Department of State, 2020). Media reports and legal challenges further alleged that these arrests were often indiscriminate, lacked individualized evidence, and were conducted without the establishment of legally required review tribunals, raising concerns about arbitrariness and due process violations. Belize City, Ladyville, Roaring Creek, Eight Mile Community, and Camalote Village were the neighborhoods most impacted by these actions (Greater Belize Media, 2024).

This shift highlights the conflict between state security measures and the protection of individual rights. To combat crime, the authority granted during the pandemic was reactivated, illustrating how emergency governance can adapt to meet social and political demands. This process, as Foucault's theory of *governmentality* (1991) suggests, is not merely about enforcing the law but about reorganizing the social and political fabric of areas marked by poverty and marginalization. Curfews, raids, and increased surveillance are examples of measures that not only control behavior but also restructure daily life for residents of impacted neighborhoods. This machinery was refined during the pandemic and deployed seamlessly in the years that followed. These SOEs are a type of state-sanctioned necropolitical disposability. Where restrictive policies disproportionately affect members of particular communities who are already economically and socially marginalized. A larger reality is brought to light by the disparate effects of surveillance and incarceration, where the state decides whose lives are considered disposable and who is safeguarded. This is a purposeful reorganization of society in which young Creole men are constantly subjected to state control and repression, moving beyond the simple restriction of individual freedom.

The legal and political implications are profound. When states of emergency are invoked, the fundamental rights enshrined in both national and international law are jeopardized. This raises critical questions about the balance between security and human rights. While the government's duty to protect public order is undeniable, this must not come at the expense of constitutional guarantees. The SOEs in Belize represent a broader pattern of policing and surveillance that disproportionately affects the poor, reinforcing existing inequalities and perpetuating cycles of disposability. As international human rights law continues to evolve, Belize must prioritize the protection of fundamental rights, ensuring that responses to crime do not undermine the very liberties they seek to defend.

The 13th Amendment: Constitutionalizing the Exception

The Belize Constitution Thirteenth Amendment Bill, 2025, marks a decisive constitutional turning point. For the first time since independence, the Constitution would confirm the legality of previous states of

emergency and expressly permit the suspension of fundamental rights in designated “special areas.” The proposed Bill raises serious concerns for constitutionalism and human rights. The Government of Belize presents the Bill as a necessary response to the rising crime and gang-related violence (Greater Belize Media, 2025). However, the Amendment runs the risk of making emergency governance a permanent aspect of Belize’s constitutional order by enshrining extraordinary powers within the regular legal framework. This section closely examines the Amendment to show how it might jeopardize judicial oversight, the principle of proportionality, and rights protections.

The Amendment’s Section 18A establishes that the Governor General, on the advice of the National Security Council, can declare any part of Belize a “special area” for up to one month, with extensions possible for up to twelve months at a time, provided a two-thirds majority in the House of Representatives is achieved (Belize Constitution 13th Amendment Bill, 2025). An emergency governance regime is imposed on the area once it has been declared an emergency zone. Security personnel are permitted to:

- Perform searches of people, property, and automobiles without a warrant;
- Confiscate and hold property;
- Arrest people based on “reasonable suspicion”;
- Enforce cordons and curfews that limit access and departure.

These provisions directly implicate a range of fundamental rights protected under Belize’s Constitution and binding international human rights treaties. The power to arrest on “reasonable suspicion” without charge or warrant engages the right to liberty and security of person and protection from arbitrary detention (Art. 3, 9, UDHR). Warrantless searches of homes, vehicles, and persons infringe the right to privacy and protection from arbitrary interference with family and home (Art. 12 UDHR). The imposition of curfews, cordons, and territorial restrictions limits freedom of movement and residence (Art. 13, UDHR). Property confiscation without prompt judicial oversight threatens the right to peaceful enjoyment of possessions (Art. 17 UDHR). The deeming of security forces conduct as presumptively lawful, combined with constitutional immunity clauses, weakens the right to an effective remedy and access to independent judicial review. Taken together, these measures create heightened risk of cruel, inhuman, or degrading treatment in detention environments where ordinary safeguards are suspended. Under international human rights law, while certain rights may be temporarily restricted during genuine emergencies, core protections, including freedom from torture, the right to life, and recognition before the law, remain non-derogable. The Amendment’s architecture therefore risks authorizing practices that approach or cross these non-derogable thresholds while simultaneously insulating state actors from accountability.

The allowance of extensions “from time to time” for up to twelve months at each renewal opens the door for perpetual renewal. This temporal elasticity deviates from the strict necessity principle in international human rights law, which states that emergency measures must be both extraordinary and short-term, as outlined in Article 4 of the ICCPR. Furthermore, states are required by Article 2 of the *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (CAT) to take adequate measures to prevent torture and ill-treatment, and any extended suspension of rights may make these conditions worse. The “special area” mechanism establishes a type of localized constitutional suspension from a doctrinal perspective. The Constitution’s protections are limited in specific areas, but they remain in effect throughout Belize. The idea of constitutional supremacy, which holds that rights protections are applied uniformly throughout the nation, is compromised by this dual system. Furthermore, the Amendment purports robust immunity provisions that tip the scales of power. As it currently reads, Section 18A(16) states that unless proven differently, any Security Forces officer “shall be deemed to have acted lawfully.” It then contradicts itself in Section 18A(17) by stating that actions taken in accordance with a proclamation “shall not be held inconsistent with or in contravention of” constitutional rights, such as those that protect liberty, property, privacy, and freedom of movement.

These clauses have two profound implications. First, they undermine the accountability principle by protecting state actors from judicial scrutiny. The presumption of lawfulness essentially flips the burden of proof, even though remedies under public law typically enable people to contest unlawful detention, search, or seizure. This runs the risk of shielding abusive behavior from critical examination in a context where police brutality is a standard feature. Second, the enforceability of the Constitution itself is compromised

by the explicit exclusion of constitutional rights. Although rights protections are still present in the text, they no longer have the same normative weight in specific contexts. This is comparable to a type of constitutional dualism in which rights are established in theory but in reality, are conditional.

Interestingly, regardless of any flaw in their declaration, all previous states of emergency and emergency regulations issued between 2018 and 2025 are valid under Section 18B and Schedule 5 of the Bill. Potential claims for redress resulting from illegal detentions, warrantless searches, or other infractions under previous proclamations are eliminated by this retroactive clause. The retrospective validation of executive action seriously harms the rule of law. Belizean courts have previously ruled that emergency detentions are illegal due to a lack of judicial oversight, as demonstrated in *Staine v. Attorney General* (2025). Separation of powers issues are raised by the 13th Amendment's attempt to invalidate such rulings retroactively. Parliament limits the judiciary's constitutional role as a guardian of rights by shielding the executive from liability after the fact. Since access to justice and the right to an effective remedy are inalienable, international human rights law, such as the *International Covenant on Economic, Social and Cultural Rights* (ICESCR) Article 2(3) and the *Universal Declaration of Human Rights* (UDHR) Article 8, typically forbids the retroactive suspension of remedies.

Additionally, Section 94A establishes a dedicated Gun and Gang Court (13th Amendment Bill). This Court's primary purpose is to speed up the trial of crimes involving firearms and gangs, and it has the authority of both the Magistrates' Courts and the Supreme Court. Although establishing specialized courts under emergency governance raises questions about the nature of justice, they are not inherently unconstitutional. However, by subjecting a particular group of defendants, disproportionately young men from Belize City's Southside to a unique judicial system, the Gun and Gang Court runs the risk of undermining the idea of equality before the law. Prosecutions may proceed more quickly if jurisdiction is concentrated in a specialized tribunal, but procedural protections may be compromised. Such courts could become tools of executive policy rather than impartial arbiters of the law if independence and impartiality are not strongly guaranteed, and these guarantees are not addressed within the Amendment or elsewhere currently.

Furthermore, targeting Creole communities that are primarily low-income runs the risk of being applied discriminatorily, which would be against both the *American Convention on Human Rights* (ACHR) and the ICCPR. Particularly concerning is the idea of stripping courts of their ability to enforce these rights in special areas, which would violate the *Convention on the Elimination of All Forms of Racial Discrimination* (CERD) by reinforcing racially discriminatory enforcement of emergency measures. Legally, the 13th Amendment signifies a reorientation of Belize's constitutional architecture rather than merely a modification. The idea that constitutional rights are unalienable is called into question by the strengthening of emergency powers. Instead, rights turn into conditional privileges that are dependent on executive discretion and geographic location.

This shift carries three systemic risks:

1. Normalization of the exception: what was once an emergency measure becomes an ordinary mode of governance.
2. Weakening of judicial oversight: immunity clauses and retroactive validation curtail the judiciary's role as a check on executive power.
3. Erosion of constitutional supremacy: By allowing rights to be suspended through executive proclamation, the Amendment subordinates constitutional guarantees to the dictates of political expediency.

These risks are very real. Once normalized, exceptional powers can be applied across various contexts, as evidenced by the transition from COVID-19 statutory instruments to crime-related SOEs. This migration is codified in the 13th Amendment, guaranteeing that future administrations will inherit a pre-made constitutional toolkit for suspending rights.

The Case of Staine vs. Attorney General

The 2025 High Court ruling in *Jahreem Staine et al. v. Attorney General of Belize* (Claim 613 of 2023) encapsulated the dynamics of emergency governance in Belize. The logic of exceptionalism, which developed during the COVID-19 pandemic, persisted after the health crisis subsided, as discussed in the preceding sections. Moving into other areas of government, particularly those related to crime control and prevention. The most significant legal challenge to this migration to date is the *Staine* case. Therefore, in addition to being a legal ruling, it also provides an ethnographic window into how states describe crises, how communities are suspended, and how rights are both taken away and vaguely restored.

The background to the case is familiar from earlier discussions where the government is increasingly reliant on the state of emergency to manage gang-related violence in Southside Belize City. In 2023, authorities declared yet another SOE, citing a “sporadic increase” in violent crime and a “subtle resurgence” of gang activity (*Staine v. Attorney General*, 2025). These terms, notably, do not convey imminent collapse or existential danger; they convey unease, instability, and perhaps even irritation. However, on this thin rhetorical basis, the state suspended constitutional rights, empowered police to detain without charge, and cordoned off neighborhoods as sites of insecurity.

As Justice Sonya Young later observed, the government’s language did not demonstrate a threat of such gravity that ordinary law could not address it. “The use of the words ‘sporadic’ increase in violent crimes and ‘subtle’ resurgence by ‘some’ gang members does not suggest to me that the criminal activity was of the gravity that could not be dealt with by the ordinary law” (*Staine v. Attorney General*, 2025). This judicial observation is crucial, as it reveals the constructed nature of the emergency. Agamben’s claim that the exception emerges not from necessity but from sovereign decision finds vivid confirmation in this context (Agamben, 2005).

Sixteen claimants, three of whom were dismissed in the trial, were young men from Southside Belize City who offered testimony and brought forward the abstract question of sovereignty into everyday life. They described their neighborhood at the time of the SOE as “normal.” People moved freely, businesses operated, schools and churches remained open, and courts continued their work. There was no sense, in their lived experience, that life was collapsing under a wave of violence.

This contrast between government discourse and community testimony illustrates the anthropology of the state in action. Das (2007) has written of how state violence becomes woven into the fabric of the ordinary, not only through spectacular acts but through its intrusion into everyday life. Here, the ordinary acts of buying food, walking to school, and attending church continued unabated, even as the state insisted that the same space had become an emergency zone. The SOE thus appeared less as a response to crisis than as an intervention in a functioning social order. For the young men detained, however, ordinariness gave way to rupture. They were detained, accused of being gang members, and arrested without being charged. Overnight, they lost their personal security, freedom of association, and freedom of movement. While the Court proceeding focused on the suspension of human rights and freedoms the experience of being taken into custody without cause presents social and psychological implications. Because rights are lived freedoms, their suspension caused trauma, shame, and fear, this lived experience transforms abstract entitlements into lived realities. Critical anthropologist Dyzenhaus described experiences like this as one where rights under a state of exception are not merely postponed but extinguished for the duration of the suspension (2006). A retroactive award of damages, however welcome, cannot reconstitute the lived time of rightlessness.

Furthermore, the *Staine* case highlights a familiar tension in postcolonial governance between security claims and constitutional rights. The government presented itself as the guarantor of public safety, arguing that gang violence necessitated exceptional measures. Yet the evidentiary basis for the emergency declaration was, as Justice Young observed, weak and internally inconsistent, suggesting a political rather than existential justification for invoking emergency powers. The consequence was the suspension and infringement of concrete constitutional and human rights protections, including the right to personal liberty, freedom from arbitrary arrest and detention, freedom of movement, protection from unreasonable search and seizure, and the right to due process (UNDHR). Several claimants were detained without charge, denied timely access to legal counsel, and subjected to restrictions on movement without individualized judicial authorization. These measures directly engaged Belize’s constitutional guarantees and

corresponding protections under international human rights law, particularly the prohibition of arbitrary detention and the requirement that any limitation on rights be lawful, necessary, and proportionate.

In essence, Carl Schmitt's well-known quote, "Sovereign is he who decides on the exception" (Schmitt, 2005), takes an unsettlingly literal turn. The proclamation of an emergency was not an impartial legal procedure based on objective standards. Instead, the executive exercised its power to suspend regular law in a political act of decisionism. This was interrupted by the Court's intervention, but only after the fact. The young men's detention was not an error; it was a predictable outcome of a system that normalizes the use of emergency powers. The spatial politics of SOEs are equally important. Southside Belize City has historically been stigmatized and racialized as a place of poverty, crime, and marginalization. By designating this area as an emergency zone, colonial control mechanisms are replicated, transforming impoverished urban areas into test sites for coercive policing (Comaroff & Comaroff, 2006). The testimonies of the detainees also show how Southside's young Black men are inherently treated like suspects. Their lives are placed in a state of suspended legitimacy, but they are not put out. Their rights are conditionally revoked, and their bodies are viewed as expendable.

This is not mere policing. It is the production of what Mbembe (2003) called "death-worlds," where populations are kept in conditions of precarity and vulnerability. Detention without charge, even if temporary, situates these young men in a liminal zone between legal subjecthood and bare life. They are citizens on paper, but rightless in practice. International human rights instruments have long cautioned against such practices. Crime, however concerning, does not pose an existential threat, and the detainees' testimonies themselves bear witness to this gap between law and practice. On the surface, the High Court's ruling appeared to be a victory for rights. In addition to awarding damages and ruling that the detentions were unconstitutional, Justice Young stressed that even under SOE, judicial oversight cannot be waived (*Staine v. Attorney General*, 2025). However, there are apparent limitations to this intervention. The state only provided post-event compensation; this did not stop the violation of the claimant's human rights. Second, the Court did not completely prohibit the use of SOEs. Although it disapproved of this specific declaration, the larger framework permitting the suspension of rights was left unaltered. Third, the claimants cannot reverse the lived trauma of being unjustly taken by the state. The state's use of coercive power is both material and symbolic, as Fassin (2013) reminds us. Even if one is later found not guilty, being imprisoned as a "gang member" carries the stigma of criminality, which alters social interactions long after one is released.

Here, Das's (2007) observation on how violence becomes commonplace is relevant. Once invoked, the exception becomes an integral part of daily existence. That is why the regular use of SOE's has now become a component of a larger system of policing and surveillance, rather than a singular anomaly. The fear of re-arrest, the memory of confinement, and the acceptance of police intrusion into neighborhoods cannot be eliminated by damages granted. The case of *Staine vs Attorney General* is underpinned by international human rights standards. The fundamental principles of liberty, personal security, and protection from arbitrary detention are enshrined in the 1948 Universal Declaration of Human Rights. Subject to the specific exceptions mentioned above, the ICCPR restates these in a legally binding manner. Belize being party to the American Convention on Human Rights (1969) must follow key principles that forbid arbitrary detention and mandate judicial supervision. Although these tools were not explicitly mentioned in the ruling, they serve as the standard by which the case must be interpreted. Their existence highlights the seriousness of the state's abuses: a group of young men's rights, which are acknowledged as universal and inalienable, were in fact suspended due to their location and social identity. As a result, the *Staine* case serves as an example of how easily the politics of domestic emergency governance can undermine international human rights obligations.

Human Rights, International Law, and Limitations in Belize

Even during emergencies, international human rights law establishes a foundation of inalienable rights. Under no circumstances can the rights to life, freedom from torture, and freedom of thought, conscience, and religion be suspended. Only when measures are essential, proportionate, temporary, and non-discriminatory may other rights, like liberty and freedom of movement, be restricted (Siracusa Principles, 1984). However, this framework is complicated by the logic of "human security." Human security, which

first appeared in the 1994 UNDP Human Development Report, focused on shielding people from “fear” and “want,” but it has frequently been used to defend securitized interventions that increase state power at the expense of human rights (UNDP, 1994). According to critical theorists, human security discourses run the risk of elevating state-centric ideas of safety, order, stability, and protection above the lived realities of people with rights. According to Duffield (2007), the concept of human security may evolve into a form of biopolitical governance, where people are controlled rather than liberated.

Belize’s 13th Amendment is a vivid example of this tension. Although presented as a human security measure to shield communities from gang violence, it authorizes the designation of legally defined “special areas”, typically low-income urban neighborhoods subject to intensified policing and mobility controls, where constitutional protections may be suspended. Within these zones, residents may be subjected to curfews, warrantless searches, and prolonged detention without charge or trial. These measures are defended as necessary to secure public safety. Yet they permit routine infringements of rights international law treats as foundational, including liberty, privacy, personal security, and due process (UDHR). This reveals a fundamental paradox within human security governance. When security is framed primarily as territorial control and risk management, it legitimizes the restriction of rights for populations constructed as dangerous. Scholars of emergency governance and postcolonial policing have long noted how such frameworks disproportionately target racialized and economically marginalized communities, reproducing colonial logics of spatial containment and surveillance (e.g., Agamben, 2005; Mbembe, 2003; Dillon & Reid, 2009). In Belize, young Creole men in underprivileged urban areas become the primary subjects of this securitized governance, illustrating how emergency powers reconfigure citizenship through selective exposure to state coercion.

The legal architecture that governs states of emergency is not peripheral to the rule of law but a safeguard. International human rights instruments grant states an acknowledged, yet tightly constrained, capacity to respond to genuine public emergencies while simultaneously protecting a core of inalienable rights and requiring procedural safeguards to prevent abuse. That architecture rests on several complementary pillars: the International Bill of Rights (the UN Charter and the Universal Declaration of Human Rights), the ICCPR and its jurisprudence and General Comments, the Siracusa Principles on derogation and limitation, and, in the region, the inter-American corpus and practice under the American Convention on Human Rights. These instruments articulate a core set of principles: legality, necessity, proportionality, temporality, nondiscrimination, and effective oversight. Together, these delimit the legitimate exercise of emergency powers and bind states to procedures that minimize the risk of “exception” becoming ordinary governance.

The fundamental starting point is Article 4 of the International Covenant on Civil and Political Rights, which permits derogation only “in time of public emergency which threatens the life of the nation” and only to the extent “strictly required by the exigencies of the situation” (ICCPR, 1966, Art. 4). Such derogations must be exceptional, temporary, and formally announced; they must also be reasonable and non-discriminatory, and states must inform the UN Secretary-General of any derogation and its termination, as stated in General Comment No. 29 of the Human Rights Committee. These formal requirements are designed to ensure transparency and facilitate international scrutiny; they are not merely procedural niceties. Additionally, this underlying normative logic is made clear by the Siracusa Principles, which are frequently cited as authoritative interpretive guidelines. Even in times of crisis, actions must be legal, pursue a legitimate goal, be necessary, and be proportionate. They also cannot be founded on discrimination based on social origin, race, color, or religion. In summary, sweeping and permanent suspension of protections cannot be justified by emergencies, because international human rights law requires that derogations remain exceptional, temporary, and subject to continuous necessity and proportionality review.

Similar requirements are made regionally by Article 27 of the American Convention; certain guarantees, particularly those related to humane treatment and specific judicial protections, cannot be suspended, and derogations are allowed “to the extent and for the period of time strictly required by the exigencies of the situation.” (1969). Through the Commission and the Court, the Inter-American system has consistently emphasized that emergency measures must be strictly limited and that executive declarations of necessity cannot render judicial review illusory.

Belize is bound by the substantive protections and the supervisory framework established by the ICCPR, having acceded to it in 1996. Belize must justify any deviation under Article 4 in light of the stringent standards outlined by the Covenant and clarified in General Comment No. 29 as an ICCPR State Party. The requirement is strict—a public emergency must be real or imminent. It must endanger national life, or, in accordance with domestic constitutional language, must be demonstrated to “endanger public safety” to the point where suspension is warranted. That threshold is not always met by a localized crime problem or just-public unease.

Two aspects of Belize’s present course are particularly concerning in that context. First, the government’s recent actions show a functional and geographic narrowing of the emergency tool. Rather than granting nationwide, time-bound derogations, emergency powers are being used to grant broad powers to state actors. Who then enact warrantless searches, prolonged detentions, curfews, and movement restrictions that infringe fundamental rights and freedoms to liberty and privacy. Additionally, these restrictions are being directed geographically at low income urban neighborhoods. Second, there is temporal elasticity in the practice. Meaning declarations can be frequently renewed or transformed into a standing statutory authority. The proposed Thirteenth Amendment would increase the availability and renewability of exceptional powers, thereby reducing the temporary nature required by Article 4. This is precisely what the international regime was designed to guard against: temporal expansion and spatially selective exceptionalism.

Therefore, when viewed through the prism of international obligations, Belize’s course of action exhibits three distinct shortcomings. First, on threshold, gang violence in particular neighborhoods do not, by law, automatically qualify as an Article 4 derogation under the ICCPR, which requires a genuine national emergency to trigger such measures. To maintain the Covenant’s protective function, it is essential to resist the temptation to equate persistent crime with the existential threshold Article 4 contemplates. For the average Belizean citizen, this means that ordinary insecurity is being used to justify extraordinary powers that suspend everyday rights, even though international law reserves such suspensions for truly exceptional national crises. Second, on proportionality and necessity, unless strictly tailored and time-limited, measures such as blanket powers for warrantless searches or indefinite renewals are disproportionate. The Siracusa Principles and General Comment No. 29 make clear that less restrictive alternatives must be exhausted first. In practical terms, this means citizens in designated communities may experience invasive policing, curfews, and detention as routine conditions of life, rather than as last-resort measures, with little assurance that these intrusions are either necessary or temporary. Third, on discrimination, both regional and international human rights systems prohibit emergency measures that systematically target socioeconomic, racial, ethnic, or religious groups. The proposed “special areas” in Belize City, predominantly Creole neighborhoods shaped by concentrated poverty, create a substantial risk of discriminatory impact and thus breach non-discrimination norms. For residents, this translates into a reality where constitutional rights depend on postal code: some citizens live under ordinary law, while others live under permanent suspicion and restricted freedom.

Read in combination, this is precisely why international law does not permit permanent or selective derogation—because it would erode equality before the law, undermine citizenship itself, and convert emergency rule into a normalized mode of governance. These international commitments operationally translate into precise, verifiable guidelines that can be incorporated into legislation and customs. However, any lawful use of emergency powers must have a clear legal foundation:

1. Having a statute or express constitutional provision;
2. Only being used after the executive has declared the emergency and notified treaty bodies;
3. Having a strict time limit with automatic, narrowly defined renewal mechanisms that are subject to legislative approval and public reporting;
4. Maintaining fundamental judicial guarantees (unfettered habeas corpus and effective access to courts);
5. Having independent oversight (parliamentary review, ombudsman, or NHRIs);
6. Being monitored for discriminatory effects and subject to remedies where rights are violated.

These responsibilities are not merely suggestions for consideration but have a legally binding nature under the ICCPR, Siracusa Principles, and Inter-American Jurisprudence.

Conclusion

This paper began with the puzzle of what happens to human rights when emergency powers migrate from temporary measures into the fabric of governance as this becomes normalized for every Belizean. By tracing Belize's trajectory from COVID-19 public health responses to crime-related states of emergency, culminating in the proposed Thirteenth Amendment and the landmark *Staine v. Attorney General* judgment, it has become clear that Belize is at a constitutional and political crossroads. The exception has been normalized; extraordinary powers once justified as urgent, temporary, and limited are now poised to become an enduring feature of Belizean sovereignty.

The analysis demonstrates that the amendment is not simply a technical legal reform, but part of a more profound transformation in the relationship between state, space, and citizen. While states of emergency in Belize often fail to produce sustained reductions in violence. Research from Trinidad and Jamaica indicates that some SOEs have been associated with short-term decreases in homicides and gun violence, even as they have failed to achieve lasting structural change or address root social conditions (Pellegrini 2025). These cases highlight that emergency powers may generate temporary incapacitation effects but rarely deliver durable public safety outcomes. This broader Caribbean context underscores the importance of empirically grounded, rights-respecting interventions, especially for small postcolonial states where emergency tools can too easily become normalized policy instruments.

The *Staine* case crystallized these dynamics in legal and ethnographic terms. The decision to suspend rights was made even though the government's justification of "sporadic" crime and the "subtle" resurgence of gangs did not satisfy the requirements for an emergency outlined in the Constitution or internationally. Although the High Court restored their rights retroactively and awarded damages, Dyzenhaus's (2006) insight remains that once suspended, rights are extinguished in lived time. Compensation cannot undo the experience of rightlessness. What emerges, then, is not merely a legal problem but a profound human rights one. Emergency governance has become spatialized and racialized. Entire neighborhoods are designated as suspect spaces, their residents subjected to heightened policing and curtailed freedoms. The social fabric of Southside Belize City, which encompasses the everyday life of schools, churches, and markets, is reframed as a crisis by state decree, even as residents attest to its ordinariness. This gap between the state narrative and lived experience highlights the performative nature of emergencies, where crises are not only responded to but also constructed and perpetuated.

International human rights law provides clear benchmarks against such overreach. Article 4 of the ICCPR permits derogations only when the life of the nation is at stake, and only to the extent strictly necessary in the particular situation. The Siracusa Principles emphasize the importance of nondiscrimination, proportionality, and timeliness. Furthermore, these limitations are echoed in the American Convention on Human Rights. However, Belize's present course, which includes localized emergency zones, the ongoing renewal of SOEs, and the retroactive approval of unconstitutional measures, falls woefully short of these responsibilities. The proposed Amendment, therefore, risks placing Belize in direct conflict with its treaty commitments.

At the same time, the analysis complicates the human rights framework itself. As critical scholarship has long argued, the discourse of "human security" can be mobilized to justify precisely those practices that erode human rights (Duffield, 2007). Although the Amendment is portrayed in Belize as a means of shielding communities from violence, in reality, it leaves them more vulnerable to government monitoring and intrusion. The rights of the marginalized are sacrificed in order to secure security for the majority. This paradox highlights the need to prioritize lived experience through the accounts of people who have been imprisoned, harassed, and stigmatized as proof of the actual costs of emergency governance and highlights the peril of confusing human security with state security.

The Belizean case is not unique, but it is emblematic of a broader issue. Small postcolonial states often inherit policing models rooted in colonial control, where emergency powers were designed to manage racialized urban populations (Comaroff & Comaroff, 2006). In the post-COVID era, these legacies combine with global trends in securitization to produce a governance model in which exception becomes ordinary. Belize, then, is both a local case and a global warning: once emergency powers are constitutionalized, they become available for any future government to wield, regardless of context or justification.

The stakes are clear. If enacted, the Thirteenth Amendment would mark a decisive erosion of constitutional supremacy, where rights are conditional privileges that rely on executive discretion, geography, and social identity, rather than being universal entitlements. Retroactive validations and immunity clauses will weaken judicial oversight. Practices that risk discriminatory application and are neither necessary nor proportionate will result in the forfeiture of international obligations. The danger is not only legal but also social through the stigmatization and disposability of already marginalized communities.

Nevertheless, the *Staine* judgment also shows that resistance is possible. Courts can and do play a role in challenging the construction of crisis and restoring rights. Testimonies from detainees provide powerful counter-narratives that expose the lacuna between state discourse and the lived reality. While international law is imperfect, it continues to provide a vocabulary and set of standards that activists, lawyers, and communities can mobilize to contest exceptionalism. The challenge is to ensure that these tools are not sidelined by constitutional reforms that seek to normalize exception.

In conclusion, the Belizean case sheds light on the central question posed at the outset: what happens to human rights when the exception becomes the rule? As this study has demonstrated, the answer is that rights run the risk of being reduced to conditional grants rather than unalienable protections. With the help of crisis rhetoric, the state redraws the lines between security and liberty in ways that disproportionately affect the marginalized members of society. The task for scholars, lawyers, and citizens alike is to insist on the fragility of this balance and to contest its erosion. Belize stands at a crossroads. It can choose a path that affirms constitutional supremacy, judicial oversight, and adherence to international human rights norms. Alternatively, it can establish emergency governance as regular law, establishing a constitutional order in which rights are conditional and the exception is a permanent feature of government. This decision will impact both Belize's democratic identity and its legal system. Whether it becomes a state governed by exception or remains a state bound by rights is yet to be seen. However, the government's recent public consultation process surrounding the Thirteenth Amendment signals an acknowledgment, at least procedurally, of the need for public participation and human rights safeguards in the development of emergency measures.

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