



INTERNATIONAL LAW
JOURNAL

**WHITE BLACK
LEGAL LAW
JOURNAL**
**ISSN: 2581-
8503**

Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

WWW.WHITEBLACKLEGAL.CO.IN

DISCLAIMER

No part of this publication may be reproduced, stored, transmitted, translated, or distributed in any form or by any means—whether electronic, mechanical, photocopying, recording, scanning, or otherwise—without the prior written permission of the Editor-in-Chief of *White Black Legal – The Law Journal*.

All copyrights in the articles published in this journal vest with *White Black Legal – The Law Journal*, unless otherwise expressly stated. Authors are solely responsible for the originality, authenticity, accuracy, and legality of the content submitted and published.

The views, opinions, interpretations, and conclusions expressed in the articles are exclusively those of the respective authors. They do not represent or reflect the views of the Editorial Board, Editors, Reviewers, Advisors, Publisher, or Management of *White Black Legal*.

While reasonable efforts are made to ensure academic quality and accuracy through editorial and peer-review processes, *White Black Legal* makes no representations or warranties, express or implied, regarding the completeness, accuracy, reliability, or suitability of the content published. The journal shall not be liable for any errors, omissions, inaccuracies, or consequences arising from the use, interpretation, or reliance upon the information contained in this publication.

The content published in this journal is intended solely for academic and informational purposes and shall not be construed as legal advice, professional advice, or legal opinion. *White Black Legal* expressly disclaims all liability for any loss, damage, claim, or legal consequence arising directly or indirectly from the use of any material published herein.

ABOUT WHITE BLACK LEGAL

White Black Legal – The Law Journal is an open-access, peer-reviewed, and refereed legal journal established to provide a scholarly platform for the examination and discussion of contemporary legal issues. The journal is dedicated to encouraging rigorous legal research, critical analysis, and informed academic discourse across diverse fields of law.

The journal invites contributions from law students, researchers, academicians, legal practitioners, and policy scholars. By facilitating engagement between emerging scholars and experienced legal professionals, *White Black Legal* seeks to bridge theoretical legal research with practical, institutional, and societal perspectives.

In a rapidly evolving social, economic, and technological environment, the journal endeavours to examine the changing role of law and its impact on governance, justice systems, and society. *White Black Legal* remains committed to academic integrity, ethical research practices, and the dissemination of accessible legal scholarship to a global readership.

AIM & SCOPE

The aim of *White Black Legal – The Law Journal* is to promote excellence in legal research and to provide a credible academic forum for the analysis, discussion, and advancement of contemporary legal issues. The journal encourages original, analytical, and well-researched contributions that add substantive value to legal scholarship.

The journal publishes scholarly works examining doctrinal, theoretical, empirical, and interdisciplinary perspectives of law. Submissions are welcomed from academicians, legal professionals, researchers, scholars, and students who demonstrate intellectual rigour, analytical clarity, and relevance to current legal and policy developments.

The scope of the journal includes, but is not limited to:

- Constitutional and Administrative Law
- Criminal Law and Criminal Justice
- Corporate, Commercial, and Business Laws
- Intellectual Property and Technology Law
- International Law and Human Rights
- Environmental and Sustainable Development Law
- Cyber Law, Artificial Intelligence, and Emerging Technologies
- Family Law, Labour Law, and Social Justice Studies

The journal accepts original research articles, case comments, legislative and policy analyses, book reviews, and interdisciplinary studies addressing legal issues at national and international levels. All submissions are subject to a rigorous double-blind peer-review process to ensure academic quality, originality, and relevance.

Through its publications, *White Black Legal – The Law Journal* seeks to foster critical legal thinking and contribute to the development of law as an instrument of justice, governance, and social progress, while expressly disclaiming responsibility for the application or misuse of published content.

ADAPTING INTERNATIONAL CRIMINAL JUSTICE FOR EMERGING FORMS OF VIOLENCE: A FUTURE ORIENTED APPROACH

AUTHORED BY - SIMRAN NAYAK

ABSTRACT

This paper will explore that how the International criminal justice system could be modified to respond better to significant attacks on civilian population in the coming years. The rules for prosecuting crimes like persecution, genocide, war crimes, crimes against humanity, and mass killings have been shaped by previous tribunals and the International Criminal Court (ICC), but the Rohingya displacement in Myanmar, the conflict in Ukraine, and attacks on ethnic minorities in Tigray are examples of recent crises that show that new forms of violence continue to emerge. Therefore, the existing legal system will need to be modified to stay applicable and efficient.

The research will use a doctrinal and case-based methodology examining international treaties, tribunal rulings, ICC cases and considering recent cases of mass violence to examine how victim protection, accountability systems, and legal definitions will need to change over time. The paper will then look at real-world issues that can make accountability difficult. The selective participation of many states with international courts can compromise global justice. Future crises, particularly those involving victims targeted for multiple identities or displaced populations, show the necessity of an adaptable and victim-focused strategy.

Finally, the paper will propose ways to improve the system, such as adopting community-based methods, introducing better technologies for gathering evidence, strengthening state cooperation, and giving victims experiences more importance. International criminal law can become more broad, responsive, and fair for victims of crimes against humanity, war crimes, genocide, and other widespread abuses.

In the end, this research will demonstrate how international criminal justice could change in the twenty-first century to address both established and new types of violence, ensuring justice, accountability, and protection for vulnerable groups around the globe.

Key Words: International Criminal Law, Crimes against Humanity, State Cooperation with ICC, Genocide, Persecution.

INTRODUCTION

The international criminal justice system developed from the awareness of specific crimes which are so grave that they shock the conscience of humanity and demand responsibility beyond national countries. The establishment of the international criminal justice system were made after the WWII, for the very first time the Nuremberg and Tokyo Tribunals were formulated so that individuals can be hold responsible criminally for the crimes committed within the states under international criminal law. This represented a major shift in legal order, challenging the traditional sovereignty of the state showing a move towards justice-oriented principle.¹

For decades, the lack of permanent International criminal court led to a fragmented and uneven accountability, despite the early progress. During the late 20th century, some serious violations of international law had happened in the Rwanda and former Yugoslavia, which showed the need to establish the permanent court. To address these violations, the UN security Council created the temporary courts knows as ad hoc tribunals such as the International criminal tribunal for the Yugoslavia (ICTY) and International criminal tribunal for Rwanda (ICTR) to hold the individuals accountable for the serious crimes such as genocide, crimes against humanity, and war crimes.²

This need led to the adoption of the Rome Statute, 1998, which created the first permanent International Criminal Court as the world's first treaty-based court. The ICC was designed on the principle of complementarity and exercise its jurisdiction only when states are unwilling or incapable to prosecute. The Rome Statute serves as the basis for international justice by defining the most serious crimes and sets the rules and procedures for how countries function across borders to comply with international court.³

¹ Trial of the Major War Criminals before the International Military Tribunal (Nuremberg, 1947), discussion on the emergence of individual criminal responsibility under international law

² United Nations Security Council Resolutions 827 (1993) and 955 (1994), analysis of ad hoc tribunals and their limitations.

³ Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002), Evolution and Institutional framework of the ICC.

The objective of the paper is to examine the international criminal justice system and to analyse its ability to respond to emerging forms of crimes such as environmental destruction, cyber violence, structural harm. By using contemporary issues in Ukraine, Tigray, and Myanmar, as case studies, the paper ascertains limitations and provide suggestions which are legally necessary and institutional reforms.

EVOLUTION AND STRUCTURAL FRAMEWORK OF THE INTERNATIONAL CRIMINAL COURT

The International Criminal Court (ICC) is the first permanent court established on a global basis, with the aim of ensuring accountability for serious crimes, namely genocide, crimes against humanity, crimes of aggression and war crimes. The establishment of ICC was important step towards ensuring justice and protecting civilian population from most serious crimes. In the twentieth century, most serious crimes had happened, and those crimes had remained unpunished.

Historical development of ICC

Temporary courts such as Nuremberg and Tokyo tribunals were created to punish those crimes after World War II. The need for a permanent court was recognised in 1948 to deal with different crimes with the adoption of convention on the prevention and punishment of the crime of genocide. After ending of the cold war, the need of International criminal justice was re appeared again. While the United nation was establishing the rules of ICC, some serious crimes were happening in Yugoslavia and in Rwanda which resulted in making the special temporary courts i.e. ad hoc tribunal for dealing with such crimes. These crimes showed the need of permanent international court which led to host the Rome conference in 1998, where the ICC was finally established.⁴

Rome statute

On July 17th, 1998, 160 countries came together and established the first permanent international court through a treaty knows as the Rome statute. The treaty listed the crimes which are falling within the jurisdiction of the ICC, the procedure and rules and how the state will cooperate with the ICC. Those states which have ratified the treaty are called state parties

⁴ International Criminal Court, Understanding the ICC: A Guide to the International Criminal Court (2016)

and they participate in the assembly of state parties.⁵

The Rome statute, which has established the International Criminal Court has been ratified by more than 120 countries. When a country ratifies the Rome statute, it agrees to accept the jurisdiction of the ICC for crimes which are listed in the Rome statute.

CRIMES WITHIN THE JURISDICTION OF THE ICC

The international criminal court has the power to prosecute countries not individuals for committing most serious crimes which affect the world globally. Those crimes which can be tried by ICC is genocide, crimes against humanity, war crimes and crimes of aggression.

- *Genocide-*

According to the Rome statute, Genocide is a crime committed with the intent to destroy the national, religious, ethnic or racial group by killing its members either in part or in part. This destruction may be caused by many ways, such as causing physical or mental harm to them, or by killing members of the group.⁶ It also extends intentionally making such living condition which is meant to destroy such groups, like denying food, healthcare, or shelter. Additionally, it also includes acts of preventing birth within the group or forcefully transfer of children of the group to another group.⁷

- *Crimes against Humanity-*

Crimes against humanity means systematic attack committed against civilian populations with the knowledge of the attack. These crimes can be committed in peace time also. Under the Rome statute, such crimes include murder, enslavement, deportation, forcefully transfer of population, torture and extermination. It also covers serious forms of violence which specifically affect women and children such as sexual violence, including sexual slavery, rape, forced pregnancy, enforced sterilisation.⁸

- *War crimes-*

War crimes are the violations of laws of war during an armed conflict such as Geneva convention. This crime can happen within the state or between the states. Under the Rome

⁵ International Criminal Court, Rome Statute of the International Criminal Court (May 2024)

⁶ International Criminal Court, How the Court Works (ICC)

⁷ International Criminal Court, About the Court (ICC) <https://www.icc-cpi.int/about/the-court>

⁸ Ibid

statute, war crimes include acts of killing, cruel treatment, mutilation, torture, mostly against the civilian population and prisoners of war. It also includes deliberately attacking civilians or civilian objects, such as building used for religious, education, science or charity purpose, historic monuments, hospitals.⁹

- *Crimes of aggression-*

The crime of aggression refers to the use of armed force against the sovereignty, integrity or independence of another state by a state. This definition of crime of aggression was defined by amending the Rome statute. It involves acts such as invasion, annexation by force, military occupation. It also covers the planning, initiation, execution or preparation of such unlawful use of force, a manifest violation of the charter of the United Nations.¹⁰

RECENT AND EMERGING FORMS OF VIOLENCE

International Criminal Court has been developed over centuries, but it still has some limits to deal with certain emerging forms of violence. According to William A. Schabas, the ICC can only initiate the proceedings when state agrees or when the United Nation Security Council delegates a case to it, where action is blocked against the powerful states.¹¹ The Rome Statute expressly cover only four major crimes which is genocide, crimes against humanity, crimes of aggression and war crimes, which are direct and physical act of violence, so it does not focus on new forms of harm such as cyber warfare, structural harm, or environmental destruction. It is also difficult to collect evidence and to hold criminal accountability in those cases which is not clearly defined under the Rome statute or where violence is indirect.¹²

- *Cyber Warfare and digital crimes*

Cyber warfare means the use of digital platforms by states to attack other state's infrastructure, such as banking systems, satellites, communication networks or emergency services. This crime does not occur like traditional violence, but they can still harm civilian populations and can affect daily life. Modern crimes are mainly relied on technology and cybersphere because Cyber operations can be carried out from anywhere. Though they don't cause any direct physical destruction, but their effects are real such as blackouts, panic, or communication

⁹ Ibid

¹⁰ Ibid

¹¹ William A Schabas, An Introduction to the International Criminal Court (3rd edition, Cambridge University Press 2017).

¹² Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002).

failures. For instance, Ukraine experienced unscheduled power outages in power companies on 23 December 2015, which impacted many civilians. In Investigation it was found a malicious software which is black energy malware in the computer systems of various critical infrastructure sectors, though its actual role is still under review. The U.S. and Ukrainian cybersecurity authorities conducted the post- incident analysis to understand the root cause of attack and to develop mechanisms to prevent future cyber-attacks.¹³

- *Environmental Destruction (Ecocide)*

Ecocide means the destruction of the environment by human beings; it harms all human populations that are dependent on natural resources to sustain ecosystem and ensuring their capacity to support future generations. Under Rome statute, there is no specific provision for the crime of Ecocide in peacetime. The UN's International Law commission considered to add the genocide as a crime but was removed due to the oppositions from the United States, the United Kingdom, and the Netherlands.¹⁴ For instance, Russia's has intentionally targeted factories and energy infrastructure which have caused severe pollution. The use of explosive weapons has also left cities buried under "millions of tonnes" of toxic debris. In June 2023, the Russian occupied Kakhovka dam was damaged, causing massive floods and an ecological disaster. It has prompted Ukraine's prosecutors to collect evidence to bring this case to the ICC as an "ecocide" case.

- *Structural harm or policy-based violence*

Structural violence means harm that results from long term prejudice policies or institutional exclusion which may prevent group of people from meeting their basic needs or rights. Some of the examples of structural violence are racism, classism, nationalism, speciesism, adultism and racism among others. It is somehow related to social injustice insofar as it affects several people in various social structures. For instance, Myanmar's government and military have subjected Rohingya Muslims to structural violence. The burning of Rohingya settlements and systematic discrimination has led to the displacement of thousands of people, but many harms are structural and administrative so not easily charged as independent crime under ICC.¹⁵

¹³ <https://www.cisa.gov/news-events/ics-alerts/ir-alert-h-16-056-01>

¹⁴ Fiona J McDonald, 'Ecocide, the Anthropocene, and the International Criminal Court' (2023) *Ethics and International Affairs*

¹⁵ Johan Galtung, 'Violence, Peace, and Peace Research' (1969) 6(3) *Journal of Peace Research* 167.

CASE STUDIES: CONTEMPORARY CONFLICTS AND EMERGING VIOLENCE

- *The Tigray Dispute (Ethiopia)*

The Tigray dispute was initiated in the November 2020, between the Tigray People's Front and the Federal government of Ethiopia. The dispute began as a political and the constitutional conflict, but it was then gradually escalated into an armed conflict which involved federal forces in large scale. The conflict led to killings, sexual violence, forcible displacement of people, ethnic persecution, etc¹⁶. The issue that arises from the dispute was the accountability of such serious crimes, protection of the civilians, and how adequate were the existing frameworks to address such crimes at international level.

Looking from the perspective of the ICC, the subject matter of the conflict falls under the ambit of the crimes which have been identified in the Rome Statute. Under Article 7 and 8 of the Statute, the acts of mass killing, sexual violence, displacement of people implicitly falls under the ambit of crimes against humanity and the war crimes¹⁷. Hence, the Tigray dispute impliedly comes under the jurisdiction of ICC as the dispute involves serious and grave breach of the principles of humanitarian law. However, despite of the same, the Dispute was not taken up by the ICC on ground of having lack of jurisdiction for trial. Ethiopia is not a signatory to the Rome Statute and hence, the ICC cannot exercise its jurisdiction over it.

- *The Ukraine Conflict*

The armed conflict in the Ukraine which began in the year 2014 and escalated with the full-scale Russian attack, has placed the International Criminal Court to the forefront of the global responsibility efforts. The subject-matter of the International Criminal Court's engagement based on the Article 5 of the Rome Statute, which authorizes the court to prosecute offences like genocide, crimes against humanity, war crimes and the crimes of aggression.¹⁸ Although Ukraine is not a state party, but it has used twice the declarations issued under Article 12(3), allowing the ICC to exercise their jurisdictions over the crime committed on its territory, allowing investigations regarding atrocities from the Euromaidan events (2013-14) to the atrocities associated with the armed conflict from 2014 onwards.¹⁹ These declarations

¹⁶<https://www.cfr.org/global-conflict-tracker/conflict/conflict-ethiopia> and <https://www.hrw.org/tag/tigray-conflict>

¹⁷ Rome Statute of the International Criminal Court, Article 7 and Article 8.

¹⁸ The ICC Jurisdiction in Ukraine (2024) 273, Figure

¹⁹ ibid 275–276; Verkhovna Rada statements of 2014 & 2015

establishes a firm legal basis for the ICC to scrutinize the serious violations committed by the Russian troops.

The nature of the ICC decisions is shaped by its mandate to prosecute individuals according to the complementarity and individual criminal accountability principles.²⁰ These are the principles that ensure that ICC exercises its jurisdictions only when the national judicial systems are unwilling or unable to prosecute the offenders properly. A significant example of this was the ICC's issuance of arrest warrants for Vladimir Putina and the Maria Lvova-Belova in the March 2023, relating to the illegally deportation of children from Ukraine.²¹ This decision of the ICC's highlights its authority to hold high-ranking perpetrators accountable regardless of their official status.

The extent of the jurisdiction of the ICC in Ukraine is necessary yet limited. Through its ad hoc acceptance, Ukraine allows the ICC to investigate crimes occurred on all the territory of the Ukraine, including the areas occupied by the Russian troops such as Donetsk, Luhansk, and, Crimea.²² The ICC's temporally jurisdiction extends to the acts committed retrospectively from February 2014 onwards.²³ However, the ICC is unable to prosecute the crime of aggression, as Russia is not a party to the Rome Statute and UN Security Council referral is impossible due to Russia's veto power.²⁴ This legal obstacle leaves one of the central violations of the international law i.e. the unlawful use of the force, beyond the Court's jurisdiction.

- *Rohingya Displacement in Myanmar:*

One of the gravest, humanitarian and the human rights crises of the 21st century is the displacement of the Rohingya community from Myanmar. In the early 2016 and accelerating in the August 2017, the military operations in the Rakhine State of Myanmar's involved crimes like mass murders, sexual exploitation, and destruction of the villages of the Rohingyas, and extensive discrimination. These organized assaults displaced 700,000 of Rohingyas to flee to the bordering Bangladesh, generating the world's largest refugee camp in the Cox's Bazar. The UN Fact-Finding Mission established justifiable grounds to trust that these conducts highlighted the genocidal intent, alongside the crime against humanity and the war crimes.²⁵

This whole situation was presented before the ICC, even though the Myanmar is not a signatory

²⁰ ibid 273–274 (principle of complementarity and individual responsibility).

²¹ ibid 272; ICC arrest warrants of 17 March 2023

²² ibid 275 (territorial scope including occupied regions)

²³ ibid 275–276 (temporal jurisdiction from Feb 2014)

²⁴ ibid 276–277 (limitations under Article 15 bis Rome Statute).

²⁵ UNHRC, Report of the Independent International Fact Finding Mission on Myanmar (2018).

state to the Rome Statute. Under the ICC examinations subject matters include crimes against humanity, especially expulsion, discrimination, and other barbaric conducts covered under Article 7 of the Rome Statute. In all these subject matters expulsion is principle because one of its significant elements i.e., crossing over an international boundary was fulfilled on the jurisdiction of Bangladesh which is a state party to Rome Statute. This territorial nexus forms the foundation of the ICC jurisdiction.

The ICC's decision in this matter is primarily authoritative and regulatory. In the year 2018, the ICC Pre-Trial Chamber governed that the court may exercise its authority over the crime of exclusion because the act's completions happened inside Bangladesh.²⁶ This decision of the ICC did not address the remorse of any individual but confirmed the competency of the court. In November 2019, a full-scale investigation was approved, allowing the evidence-collection, victim engagement, and measures towards recognizing responsible offenders.²⁷

LIMITATIONS OF THE ICC AND INTERNATIONAL CRIMINAL JUSTICE SYSTEM IN ADDRESSING THE EMERGING FORMS OF VIOLENCE

1. Jurisdictional Limitation and State Consent:

The limitation of the international criminal court (ICC) consists in its jurisdictional foundation, which depends on the consent of the state. When United Nations Security council refers a case or when a crime is committed by a national of a state party, or on the territory of a state party, then only the ICC can exercise its jurisdiction.²⁸ So when the parties involved in the conflict are non-state parties or where political parties prohibit the security council to refer, this restriction shows the weakness of the ICC to reach in current conflicts.

2. Limited definition of crimes and exclusion of emerging forms of violence:

The subject matter of jurisdiction international criminal court restricted to only genocide, crimes against humanity, war crimes, and crimes of aggression. These classifications only cover traditional form of violences, but do not include emerging forms of violence such as cyber warfare, environmental destruction, and structural or policy-based violence.²⁹

²⁶ Situation in the People's Republic of Myanmar (ICC PTC I, 6 September 2018).

²⁷ Situation in Bangladesh/ Myanmar (ICC PTC III, 14 November 2019).

²⁸ Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002) arts 12–13.

²⁹ Ilias Bantekas and Susan Nash, International Criminal Law (2nd edition, Cavendish 2003) chapter 1

3. Challenges in redressing cyber warfare and technological violence:

Under Rome statute, crimes such as cyber warfare and Technological violences are not expressly provided and punishable. If cyber-attacks fall into jurisdiction of existing crimes like war crimes, it can be prosecuted indirectly only. Difficulty in attribution because tracing the origin and authority of cyberattack is very complex. Unlike physical crimes, it is difficult to prove the malicious intent in cyberattack.

4. Lack of power and Political interference:

The International criminal court mainly depends on the state cooperation for enforcement of laws such as collecting evidence, protection of witnesses, and arrest procedures.³⁰ In regions like Myanmar and Ukraine, the dependency on state for enforcement of laws leads to selective justice and delayed proceedings.

5. Institutional Rigidity and Procedural complexity:

The international criminal justice system has been developing for years but the system remains too rigid to adopt to emerging forms of violence which do not directly harm civilians. Scholars argue that legal frameworks struggle with evolving forms of violences facilitated by technology and environmental degradation.³¹

CONCLUSIONS AND SUGGESTIONS

Suggestions: Reforming the International criminal justice system considering emerging forms of violence

1. Reforming the International Criminal Justice System for emerging forms of violence-

The crisis in Tigray and Myanmar shows that Mass violence usually come from the years of government planned system, not just random act of physical violence. The systematic denial of legal citizenship, tactics like movement restrictions, blocking food or medicines are all forms of the violence, without resorting to continuous direct killing. International criminal justice must transition towards identifying patterns of structural violence as an element of crimes against humanity.³²

³⁰ Rome Statute (n 1) pt 9.

³¹ Bantekas and Nash (n 4) Foreword and Preface.

³² Ilias Bantekas and Susan Nash, International Criminal Law (2nd edition, Cavendish 2003), analysis of persecution and structural harm.

2. Development of legal standards for environmental destruction in armed conflict-

The conflict in Ukraine demonstrates that how environmental destruction has led to long term consequences for survival of civilian population. Existing frameworks address environmental damage by accident only and require proof of high intent and proportionality, the majority of massive environmental destruction remains outside the scope of accountability. International law should either make a massive environmental destruction as a crime or simplify the rules to prosecute under existing laws. This is the only way to align international criminal justice system with modern conflicts.³³

3. Addressing Cyber warfare through attribution and shared responsibility-

International law failed to handle the cyberattack conflict on Ukraine's civilian infrastructure because it struggles to hold countries accountable for digital attacks that harm civilians. It needs to shift move from individual accountability to organizational accountability for coordinating cyberwar. This approach would show the realities of cyber warfare and prevent accountability gaps caused by complexity of technology.³⁴

4. Reducing Dependence on State cooperation in Politically Sensitive Conflicts-

All the above three case studies of Myanmar, Ukraine and Tigray show the failure of current legal system when it relies on cooperation of state who are accused of violences. The non-cooperation of Myanmar, Ethiopia's restrictive control over Tigray, shows the inherent fragility of an enforcement model build on sovereign control. To address this political and legal deadlocks, international criminal justice must improve independent investigation mechanisms, enhance the role universal jurisdiction and expand cooperation with UN fact finding missions.

35

Conclusion

The current framework of international criminal justice was established to address grave violence rather than long term social or political harm. The current global conflicts shows that violence are increasing through structural, technological, and environmental means rather than only direct physical force. The conflicts in Tigray, Myanmar, and Ukraine serves as a clear

³³ Ibid,

see also discussion on environmental harm in armed conflict and limits of existing war crimes frameworks.

³⁴ Analysis of cyber warfare and attribution challenges in international criminal law, reflected in contemporary conflict assessments of Ukraine

³⁵ United Nations investigative mechanisms and limits of state cooperation in internal conflicts, including Tigray

example of structural limitation in international criminal justice system, specifically relating to crime definitions, jurisdictional restrictions, and the enforcement gaps.³⁶ International criminal justice faces a serious harm and destroy people's trust in it unless legal frameworks are modernized to address the emerging forms of violence.³⁷



³⁶ Ilias Bantekas and Susan Nash, *International Criminal Law* (2nd edition, Cavendish 2003)

³⁷ Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002).