

Vol. XVII No. II Pages 11

ILS Law College, Pune

15 May 2024 - 31 May 2024



#### A Lasting Legal Legacy: The exoneration Nuremberg Trials And Its behaviour t Relevance war crimes.

- Aditya Pratap Singh (II B.A.LL.B.)

ways, International Criminal Law truly started burgeoning post WWII, particularly in response to egregious crimes such as genocide, crime against <u>humanity, and war</u> crimes. culminated with the establishment of the International Military Tribunal in August 1945, when the four major victorious allied powers (France, Soviet Union, United Kingdom, and the United States) ratified the 1945 London Agreement to set up the first International Military Tribunal in Nuremberg to adjudicate highpolitical and authorities for war-time atrocities and crimes. Before the Nuremberg Trials, crime against humanity lacked legal backing & definitions. These Trials thus resulted in the codification of the above-listed crimes and set standards for future prosecution. A sovereign State was prosecute empowered to another such State. The Trials also gave assurance that individuals, government with official even positions, could be held criminally liable for international crimes, and that superiors' orders constitute a comprehensive

<u>he</u> exoneration from criminal <u>Its</u> behaviour towards humanity and war crimes.

> On December 11, 1946, the UN General Assembly in its first session unanimously passed a resolution asserting "the principles international law acknowledged in the charter of Nuremberg tribunal and its judgements". The UN International Law Commission, after four years, unveiled seven principles to be deliberated in formulating the code which will deal with the crimes against the security and peace of mankind. It that the Nuremberg principles had transcended initial application to the crimes of the Nazi regime and attained universal validity.

The defences that were invoked in the Nuremberg Trials were Superior order, Lack of Knowledge, Ex Post Facto Law, etc. Out of defences. the most prominent is the defence of superior order in which defendants argued that they were just following orders from their superiors or higher authorities. This defence was largely rejected by the Tribunal which stated that not individuals are responsible for war crimes even if they were acting

#### News at a Glance

Israeli air strikes on a camp for displaced Palestinians in Rafah killed at least 45 Palestinians and wounded 249 others in an area in the southern Gaza Strip city of Rafah designated for the displaced, Palestinian health and civil emergency service. by the Israelis was airstrike reported hours after Hamas fired a barrage of rockets from Gaza that set off air raid sirens as far away as Tel Aviv for the first time in months, in a show of defiance more than seven months into Israel's massive air, sea, and ground offensive. For information see here.

Denmark's parliament rejected a bill recognizing a Palestinian state, proposed at the end of February by four left-wing parties. Based on voting results, 83 MPs voted against the proposal, while 21 lawmakers in favour. For more information see <a href="https://example.com/here/be/here/



Vol. XVII No. II Pages 11

ILS Law College, Pune

15 May 2024 - 31 May 2024



under orders. This could be seen in the Einsatzgruppen case, which involved a mobile killing unit (Einsatzgruppen) responsible for mass murder in 1947-48. Otto Ohlendorf and others claimed the defence of superior orders, but the Tribunal found that the systematic and widespread nature of atrocities committed precluded the acceptance of this defence and held them liable. This liability is also bifaceted: absolute liability and conditional liability, recognised by <u>Article 8 of the Nuremberg Charter</u> and Rule 155 of the 1949 Geneva Convention. Absolute liability suggests that no defence can the responsibility mitigate for committing crime against а humanity, but conditional liability suggests that even if the liability is absolute, the punishment can be on mitigated based the circumstances under which the orders were followed. The Tribunal reinforced the principle of absolute liability and concluded that the scale and brutality of the crimes committed were such that following orders could not substantially mitigate their responsibility and the defence of superior order does not exonerate the accused. Although the Tribunal acknowledged the context following hte superior's order, it

refused to invoke the principle of of conditional liability.

This defence was revisited in the Eichmann trial (1961) when Adolf Eichmann's <u>usage</u> of this defence was rejected. The District Court in Jerusalem held that the sheer scale and brutality of genocide did not allow for the justification of merely following orders.\_\_In the aforementioned cases, the defence of superior order was thoroughly scrutinised under the principles of absolute and conditional liability.

To sustain these defences as of today. the defendants need evidence that should satisfy the conditions given in Article 33 of the Rome Statute. In the case of the Prosecutor v. Germain Katanga, <u>ICC</u> ultimately convicted Katanga who was charged with war crimes and crimes against humanity and was seeking defence of superior order. The court held that individuals cannot escape the liability of crimes against humanity by claiming they were just following the orders unless they are under duress and have no moral choice. This aligns with Article 33, in which superior order does not exonerate individuals from responsibility but could be the mitigating factor for

#### News at a Glance

Global executions hit the highest level since 2015, with serious increases mainly in the Middle and Sub-Saharan Africa, East Amnesty International said in its 2023 annual report on the global use of the death penalty. 1,153 executions were recorded in 2023 globally, marking an increase of more than 30 per cent from 2022. In countries such as Iran, the death penalty was given to drugrelated offenses, with authorities violating international restrictions on the use of the death penalty. The report highlighted that using the death penalty for such offenses, which violates international human rights law standards, especially affects Iran's most vulnerable communities. For more information see here.



Vol. XVII No. II Pages 11

ILS Law College, Pune

15 May 2024 - 31 May 2024





principles punishment.The legal emerged during the that Nuremberg trials act as foundation for several International Criminal Tribunals such as the International Criminal Tribunal for the Former Yugoslavia (<u>ICTY</u>), the International Criminal Tribunal for Rwanda (ICTR). and the International Criminal Court (ICC). Even after the challenges of the interpretation of manifestly illegal balancing accountability and fairness, this tribunal thus still holds its relevance by setting a foundation for International Criminal Law, giving principles, and as a cornerstone and acting defender of human rights.

# The Tadic Case: Pioneer Of The Joint Criminal Enterprise

- Tanushka Gupta (II B.A.LL.B.)

The Joint Criminal Conspiracy doctrine has had significant influence on the jurisprudence of the International Criminal Tribunal for the Former Yugoslavia (ICTY) since the seminal Tadic Appeal Judgement in 1999. This pioneer moment established a principle in international criminal law providing a robust legal framework to recriminate preparators of mass crimes accentuating the most basic element of Joint Criminal Enterprise

(JCE): the common plan.

In 1995, Dusko Tadic, a prominent Serb politician accused of a litany of charges. The Appeals Chamber exhumed his affiliation with an armed group that had brutally assaulted the inhabitants of Jaskici. Tadic was accused of murdering five men. The Defence raised the contention that the prosecution is unable to prove Tadic's involvement in the and murder "beyond aroup reasonable doubt".

The Appeals Chamber meticulously reviewed Article 7 of the Rome Statute. It also enumerated the circumstances and elements of crimes committed on participation in a "common design or purpose". Further, the Appeals Chamber elucidated three categories of collective criminality:

- 1. A basic form wherein the participants act adhering to a common plan;
- 2. A systematic form in which participants adhere to a common system of ill-treatment. Atrocities in concentration camps by officials illustrated the element of this category;
- 3. An extended joint enterprise wherein a participant goes beyond the set plan, yet the foreseeable

#### News at a Glance

Inter-American Court on Human Rights (IACHR) began its first day of public hearings in Brazil to address the human obligations rights of concerning the climate crisis, based on the American Convention on Human Rights. According to the IACHR's press hearings release. the marked by discussions mitigating the effects environmental imbalances and the need to protect the most vulnerable amid climate concerns. This is the second set of hearings within the context of an Advisory Opinion requested on behalf of Chile and Colombia on January 9, 2023. The first hearings took place in Barbados at the end of April of this year and were accompanied by the active participation of civil organizations from various parts For the world. information see here.



Vol. XVII No. II Pages 11

ILS Law College, Pune

15 May 2024 - 31 May 2024



consequence of collective endeavor persists.

The Appeals Chamber explicated the concept of JCE in the case of Tadic v. Prosecutor with the illustration that collective intention of a group to ethnically cleanse a region, au courant with the potentially fatal aftermath including death constitutes a crime. The Appeals Chamber found Tadic's involvement in a common enterprise that aspired to oust the non-Serb population from the Prijedor region. Additionally, the foreseeability of the victims' death was ingrained in the common purpose making Tadic cognizant of menace. The analysis iurisprudence culminated Tadic's conviction for the murder under the JCE principle. The earnest significance of the JCE resonates in successive cases like the Kristic Trial Judgement and The RUF Case. The Kristic Trial Judgment deals with the case involving the Srebrenica massacre. The ICTY found that Radislav Kristic and Vujadin Popovic, being fully aware of the genocidal intent, actively participated in a plan aiming at the destruction of the Bosnian Muslim population.

Additionally, their involvement in

the murder of able-bodied Muslim men and violently ousting Bosnian Muslims from Srebrenica led to their conviction under the JCE doctrine.

Similarly, in the RUF Case, Issa Hassan Sesay, Moris Kallon, and Augustine Gbao were accused of committing crimes against humanity and war crimes from 1991 to 2001. The Special Court of Sierra Leone applied the principle of Joint Criminal Enterprise under Article 6 of the SCSL Statute after analyzing facts, evidence, and legal doctrines. iudament addressed presence of mens rea and actus different elements in categories of Joint Criminal Enterprise for the conviction.

However, there have been cases where convictions under the JCE have been overruled due insufficient evidence demonstrating common а purpose. In the case of Prosecutor v. Sainovic, the Appeals Chamber overturned the conviction of two officials. Nikola Sainovic Dragolijub Ojdanic, stating that the evidence failed to prove that they had a common intent or purpose in committing crimes during the Kosovo conflict. The JCE doctrine additionally comes across several

#### News at a Glance

European Union (EU) The announced that they will be ending their Military Partnership Mission in Niger (EUMPM), citing the "grave political situation" in the junta-led nation. The EUMPM was established in December 2022, to enhance the capacity of the Niger Armed Forces to fight against terrorist groups while maintaining adherence to norms of human rights and international humanitarian law. The initial duration of the Mission was supposed to be three years. For more information, see here.



Vol. XVII No. II Pages 11

ILS Law College, Pune

15 May 2024 - 31 May 2024



challenges in addressing modern international crimes, such as terrorism. Establishing a common intent or common purpose among numerous people poses a major obstacle to applying the JCE doctrine. Additionally, the broad interpretation of the doctrine raises concerns about the neutrality and legitimacy of international proceedings.

In conclusion, while the JCE doctrine has a profound impact on international criminal law, its broad interpretation may pose challenge if applied haphazardly. Though it emphasizes common purpose or common intention, allowing incrimination of every individual involved in the crime, the establishment of common intent is itself a major issue. A meticulous and careful application of the doctrine is essential to rule out the ramifications and provide a shield of justice to the victims of international crimes.

### Analysing the Case of Augusto Pinochet: The End of Immunity for Crimes Against Humanity? - Aayushi Kashyap & Tanu Priya (I

Customary international law <u>grants</u> <u>immunity</u> to former Heads of State

B.A.LL.B.)

for acts they committed while officially in power. However, this principle was challenged in the Pinochet case, when, on the night of October 16, 1998, London police arrested Gen. Augusto Pinochet, acting on a Spanish warrant. Augusto Pinochet, the dictator of Chile, was accused of human rights abuse and mass genocide during 1973-1990, which fell under the violence of jus cogens norms. The British House of Lords debated whether crimes like torture and crimes against humanity could be considered "official acts" deserving immunity. International humanitarian law states that the immunity of heads of state is similar to that of diplomatic immunity, but they cannot use this immunity to face justice. The Heads of State have two immunity shields from jurisdiction before the courts of other States under the notions of ratione personae and ratione materiae.

The immunity of the Head of State originates from historical sovereignty doctrines and the conception that "the king can do no wrong". However, the Statute of the International Criminal Court, following the principles laid down at Nuremberg, states that: "official capacity as a Head of State or

#### News at a Glance

Tunisian authorities ramped up their crackdown on media and freedom of expression in recent weeks, sentencing two journalists and a media founder to prison sentences, detaining another media figure, and intimidating private media. Based on Human Rights Watch and Amnesty International's count, over 70 people, including political opponents, lawyers, journalists, activists, human rights defenders, and social media users have been subjected to arbitrary prosecutions since the end of 2022, which is against International Human Rights Law. At least 40 remain arbitrarily detained as of May 2024, with most of them held in connection with the exercise of their internationally protected rights. For more information, see **here**.



Vol. XVII No. II Pages 11

ILS Law College, Pune

15 May 2024 - 31 May 2024



Government, shall in no case exempt a person from criminal responsibility." Even though the heads of state are protected against trial in foreign jurisdiction, the concept '<u>universal jurisdiction</u>', recognized by the United Kingdom (UK), Spain, and Chile offered a way forward, in the Pinochet case. The UK, having ratified the Torture Convention, acknowledged torture's severity, Spain's aiding case against Pinochet. The key argument in the British House of Lords centered on torture. As a violation of jus cogens, falls torture under universal jurisdiction.

Jus cogens compel states to stop and punish torture as an obligation under erga omnes. Thus, as a result of the majority decision, Pinochet lost immunity as the act of torture could not be considered an "official act" under the Torture Convention and was not in furtherance of Following ratione materiae. Pinochet's case, the principle of universal jurisdiction has been applied in several cases including the trial of Hissène Habré in Africa in 2017, but at present, holding the leaders accountable who commit grave human rights abuses seems a far-fetched idea. For instance, the Argentinian court has taken

cognizance in the case of atrocities faced by <u>Rohingyas</u> in Myanmar under the principle of universal jurisdiction but the investigation has been ongoing since 2021.

Though stripping immunity in Pinochet's case brought justice and empowered victims to seek justice internationally, powerful leaders easily defeat the soul of fiat justitia ruat caelum. The Chinese abusive government's policies against Uyghurs and other Turkic Muslims in Xinjiang province, the assimilation of Tibetan minorities, and atrocities in Hong Kong are crimes against humanity, yet, no formal case has been registered against Xi Jinping. The reluctance of some states to pursue crime against powerful heads of state highlights the handicapped provisions of international law. This lack of concrete action in the case of Xi Jinping stems from China's economic power, which makes nations hesitant to take a strong stance against its leader despite the plight of the Uyghurs garnering repeated **UN** attention. Nonetheless, Pinochet's serves as a stark reminder of the international community's potential collaboration for shown by the UK and Spain in holding leaders accountable for

#### News at a Glance

The Kenyan Parliament launched four public hearings into alleged human rights violations committed by UK troops stationed in the country. This follows the high-profile murder of Agnes Wanjiru, a 21-year-old mother found in a septic tank in Nanyuki in 2012. The Sunday Times reported in October 2021 that a British troop confessed to this murder. Despite confession, the case expected to be heard until 10 July, 2024 due to delays owing largely to jurisdiction issues; it is not entirely clear whether the British troops should be subjected to the law in the UK or Kenya. For more information, see <u>here</u>.



Vol. XVII No. II Pages 11

ILS Law College, Pune

15 May 2024 - 31 May 2024



human rights abuses. It also offers path towards greater accountability for these leaders who are given impunity regardless of the nation they belong to. While the ICC has its limitations, there has to be greater cooperation amongst countries so that those responsible for transgression against the innocents face the consequences of their actions. Only then can true justice be served.

# Universal Jurisdiction of the ICC: The Balancing Scale for International Justice and Victim Compensation

- Arya Mitkari (II B.A.LL.B.)

Universal Jurisdiction is the exercise of jurisdiction over a crime by the International Courts or States, in the absence of the territorial and personal nature of the crime and is based solely on its heinous nature. If the International Criminal Court (ICC) had the right to exercise universal jurisdiction, it would not be bound by the constraints of ratione territoriae and ratione personae, and would be able to prosecute international crimes committed by individuals.

One of the strongest arguments in favour of universal jurisdiction of the ICC is that the COurt will be

given the same authority as that of States. It is a widely recognised and accepted principle that States can exercise universal jurisdiction; if all the States pool their sovereign power, they could simply delegate it to the Court. This would resolve the question of compromising States' individual sovereignty as all the States would be giving up some of their sovereign power. The outcome of this will be a permanent and most importantly a neutral criminal court that deals with international crimes. In the Tadic case, a defence that arose was that the ICC cannot prosecute individuals for crimes which were committed outside its jurisdiction, however, it was held that "borders should not be considered as a shield against the reach of the law and as a protection for those who trample underfoot the most elementary rights of humanity". The concept of State sovereignty should never be given precedence over human rights when there is a need for justice.

The most common form of conflict today is <u>internal</u> wars which are beyond the reach of United Nations Security Council (<u>UNSC</u>) action, therefore the international arena does not have jurisdiction. This is the reason why tyrannical

#### News at a Glance

Amnesty International called for the immediate release of the Yemeni-Dutch national Ramadhan, who has been held without charges, legal representation, or adequate medical care since November 20, 2023, by Saudi Arabian authorities. Ramadhan allegedly received a call from Saudi Arabia's Criminal Investigation Department to report to the police, two days after having returned from the Netherlands, where he had been granted asylum protection since 2018. He was arrested on the same day without being given a reason or an opportunity to contact a lawyer. For more information, see here.



Vol. XVII No. II Pages 11

ILS Law College, Pune

15 May 2024 - 31 May 2024



not brought under scrutiny and cause further distress to the victims. These internal wars or conflicts. like the Ukraine war or the Afghani and Yemen crises, have severely affected civilians, with <u>almost</u> 90% of the war-time casualties being civilians. Therefore, the need for universal jurisdiction promotes the idea of universal justice by encouraging all States and providing all States with an incentive to play an active role in prosecuting offences.

The primary benefit which is gained by exercising universal jurisdiction is that the victims seeking justice as well as the communities that are destroyed by the tyrannical actions are given compensation. States need to have a broad-minded approach, victimcentred approach which would help the international community as a whole. The lack of this approach be observed can presently in the Gaza Strip, where innocent civilians several suffering. and no form of reparations is provided to them, When States do not take legal action, the most vulnerable people are the victims, and exercising universal jurisdiction would help accountability ensure and immediate redressal action for the

victims.

In many cases, like the Ongwen and the Al Mahdi cases brought before the ICC, the victim or the Court declares the victim as indigent, which introduces a new problem of providing reparations to the victims. It is at times also the that the State that is prosecuting the criminal itself doesn't have the funds to provide just reparations to the victims. The Trust Fund for Victims (TFV) is separate from the ICC and is created in accordance with Article 79 of the Rome Statute (RS). It aims to provide physical, mental, and material support to the victims. The TFV gets its funds from the State parties as they are a part of the ICC budget. Universal jurisdiction would have a great impact on the trust fund, since every State would be a party to the RS and thus would also contribute a fair share to the TFV, this would result in an abundance of reserves. which would ensure that the victims get their share of reparations and are brought to justice.

A considerable problem in implementing universal jurisdiction would be that of State sovereignty. In an ideal society,

#### News at a Glance

Australia's Parliamentary Joint Committee on Human Rights published a report calling for establishing a federal human rights act. The recommendation is the result of the committee's inquiry, which began in March 2023. into the scope effectiveness of Australia's current human rights legislation. The report focused on the need for a human rights act governments are forced consider human rights when creating new laws and policies or delivering services healthcare, disability support, and education. This would then empower people legally challenge human rights abuses. The committee was made up of 104 civil society organizations representing **Aboriginal** Torres Strait Islander peoples, LGBTIQ+, women. children. people with disabilities, people from migrant and refugee communities. Currently, Australia only western liberal the democracy without a human rights act. For more information, see <u>here</u>.



Vol. XVII No. II Pages 11

ILS Law College, Pune

15 May 2024 - 31 May 2024



States would agree to give up a part of their sovereignty for the greater good. However, in the present scenario, it seems highly unlikely that States would want a court which would prosecute their own citizens without involving them in the said process. A State would prefer to have control over the criminals they convict, acquit, or even to trial. Since the ICC offers voluntary membership, it would not be ethical to coerce States into signing the RS and forcing them to give up sovereignty over their citizens.

The application of universal jurisdiction would not make the ICC an overarching authority that seizes the States' sovereignty but rather makes the ICC complementary body that would function alongside the States' domestic courts. The ICC still does and will follow the principle of complementarity, which grant the domestic courts the jurisdiction to prosecute individual only in a scenario where the State is unwilling to or is incapable of prosecuting perpetrator will the ICC exercise its jurisdiction. Universal jurisdiction will not only promote a sense of unity and international justice but also help bring justice to the

voiceless victims who have been affected. As long as States prioritise their own benefit while overlooking the interests of the victims and the international community, we as a society are miles away from freeing ourselves from wrongdoings and achieving international peace and security.

## <u>Cyber Warfare And Law: The Case For ICC Intervention</u>

- Manshwi Anand (I B.A.LL.B.)

On a frigid evening of December Ukraine faced unprecedented cyber warfare attack which resulted in power outages <u>nearly 2,25,000</u> for consumers. The blackout resulted in disruption of operations impacting the nation's essential infrastructure. Critical services like healthcare, fire rescue, military, police, and other vital services were severely disrupted. On further <u>analysis</u> of the events by the Ukrainian authorities, the responsibility for the attack was attributed to the Russian This attack <u>Sandworm group</u>. highlighted the lack of integral infrastructure as well as legal frameworks handle to such instances of cyber warfare attacks.

This instance of an attack on

#### News at a Glance

Polish Prime Minister Donald Tusk announced that Poland will further fortify its border with Belarus following an incident where a Polish soldier was injured by a migrant. On May 28, the Polish Border Guard confirmed an officer had been stabbed by a migrant on the Polish border with Belarus. Tusk's declaration follows the unveiling of Poland's Shield East Program, a security plan intended to defend NATO's eastern flank as tensions continue to escalate in the region. Poland seeks to invest PLN 10 billion to increase security against possible threats coming from Belarus and Russia. As described by the Chancellery of the Prime Minister, this plan includes four dimensions: geopolitical security, European air defence, internal security and a secure border. For more information, see here.



Vol. XVII No. II Pages 11

ILS Law College, Pune

15 May 2024 - 31 May 2024



Ukraine exemplifies the greater cyber warfare attacks align with defines as "the conduct of cyber intentionally compromising military satellites cryptocurrency and radars, economic disruptions, compromising among others.

As highlighted by the power grid reaching attack on Ukraine, the need of the theft of classified information, hour is a robust legal framework to targeting democratic processes address the instances of cyber like warfare. However, а ambiguities still pertain to the straining of global relationships as jurisdiction of ICC as far as well as further aggravation of warcyberspace is concerned. The ICC like conditions as a form of was established by the Rome retaliation. These consequences Statute, as per which it conducts are also observed in the cases of trials of individuals accused of traditional warfare attacks. Given genocide, war crimes, crimes the grave impacts on human life, against humanity, or any other there is a compelling case for these crime that violates the Rome crimes to be addressed by an Statute. Nevertheless, it is silent on international authority such as the cases related to cyberspace due to ICC. It has also been highlighted a lack of adequate provisions in the by Karim A. Khan, ICC Office of domain of international law.

Despite the lack of provisions, the ICC pertaining to cyberspace. These

issue of cyber warfare which the the existing categories of crime International Criminal Court (ICC) that lie in the ICC's domain as they target operations by military means in populations causing widespread military harm, such as disruption of objectives." These may include essential services and commercial attacking power grids as seen in activities as seen in the case of the the case of Ukraine, espionage, attack on El Salvador's national wallet: security and <u>denial</u> of <u>service</u> attacks services as seen in attacks on Belarusian state security system and the Estonia attack. Other farramifications include elections, spreading lot of propaganda and terrorism, Prosecutor that there has been an urgent need to include cyber specific warfare cases as they violate the should Rome Statute. He has made it undeniably extend its jurisdiction public that the ICC is considering investigating cyberspace, which is

#### **Upcoming Activities**

Calls for Papers: Yearbook of International Humanitarian Law, Volume 27 (2024):

Ongoing armed conflicts in Gaza Ukraine have raised unprecedented controversies relating to the application and interpretation of international humanitarian law (IHL). These controversies not only provoke fundamental legal questions, but are central in public discourse surrounding the conflicts. The combination of objective circumstances, the conduct of belligerents, the involvement of third parties and institutions, and intensive public debate all place significant pressure on key notions of IHL. Interested authors should send an abstract of a maximum of 500 words to the Managing Editor of the Yearbook, James Patrick Sexton (J.Sexton@asser.nl), by 19 June 2024. For more information see



Vol. XVII No. II Pages 11

ILS Law College, Pune

15 May 2024 - 31 May 2024



a noteworthy step in the right attack. Furthermore, the direct Additionally, direction. many Disarmament and International Attacks can Security, and international organisations such as the G20, EU, and OAS have laid ASEAN, emphasis lately on the need to private extrapolate the jurisdiction of the cyberspace as they affect human life to the same degree as traditional warfare require similar legal attention.

However, also encompass this move. Attribution can be defined as the jurisdiction ability to recognise the entity and warfare is an essential step towards the computer network behind the safeguarding global peace and attack. This is a technologically daunting task because attacks are often remotely by disquised miscreants, international law as well as deter In many cases, responsible computer network is lives as traditional warfare does. To identified. the behind it remains concealed. For stakeholders work in solidarity to instance, the Stuxnet virus that develop international treaties like <u>obstructed</u> Iranian ambitions was studied by number of computer experts yet none could definitively successful pinpoint the nation behind the

application of international law to international organisations such as cyberspace can be complex due to the <u>UNGA First Committee on</u> the diverse range of targets. be launched on government or military infrastructure or government security systems at the same time institutions corporations are also vulnerable. ICC to cyberspace. This affirmation This wide spectrum of targets makes a case for international law makes it difficult to consistently to consider issues surrounding apply international law provisions due to differences in the nature, scale, and impact of the attack.

thus While there are hurdles of attribution and consistent applicability surrounding the significant <u>challenges</u> employment of international law to cyberspace, extending the ICC's to include security in this age of rampant these technological transformation. This launched would ultimately fill the void in even if the future attacks threatening human establishment achieve this, it is imperative that all nuclear the Tallinn Manual on International a Law, as well as work on security technological advancements for attribution and prosecution.

#### **Upcoming Activities**

Call for Articles: JUFIL:

The Journal on the Use of Force and International Law (JUFIL) is currently calling for submissions of articles for the upcoming volume, which will be published in September and October 2024. Articles are welcomed on current topics related to any jus ad bellum issues in international law. Topics of interest include, but are not limited to, the inherent right of self-defence among States, the use of force authorized by the UN Security Council, and the use of force for humanitarian purposes. For more information, see **here**.

> Editor: Shreya Basu (III B.A.LL.B.)

**Assistant Editors:** Sana Kulkarni (III B.A.LL.B.) Anuradha Lawankar (II B.A.LL.B.)