



Responsibility of Sexual Violence under International Law

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Abstract: *The extent and nature of sexual violence throughout the war vary. Sexual violence is pervasive in some conflicts, such as ethnic conflicts, but it is relatively rare in other conflicts. Sexual slavery is one form of sexual violence in inevitable conflicts, while detention torture is another. The ICTY has carried out in-depth prosecutions and investigations of cases of sexual violence committed during times of war, leading to the filing of several indictments for crimes perpetrated in Bosnia – Herzegovina as early as 1995. By enabling the litigation of sexual violence as a war crime, crime against humanity, and genocide, the ICTY has advanced international criminal equity in sex crimes. This article attempts to provide readers with a clear understanding of two types of obligations: personal criminal culpability and state responsibility. The responsible for sexual violence presents a significant challenge to international law and misinterprets other laws, according to the conclusion. People are struggling with responsibility because, as the article pointed out, there are two different kinds of accountability in contemporary society: individual accountability and state accountability. The article's conclusions indicate that sexual violence is a personal responsibility.*

Introduction

Sexual violence has been committed against females, males, and teenagers in numerous wars around the world. Address the widespread sexual abuse that occurs in war because it can harm individual lives, family members, and the community, which is why offenders are frequently not held accountable. While prosecutions are increasing, there are not many cases before international criminal courts. Consequently, sexual violence is frequently negligible or nonexistent on a national scale. However, a more recent emphasis has been on looking into and prosecuting sexual violence committed during wartime everywhere, mainly through the UK's Sexual Violence Prevention

Program. However, before we can fully develop the prosecution and investigation of sexual violence in war to adequately prosecute and investigate the variety of international and domestic sexual abuse, this section explores several minimally discussed problems surrounding wartime sexual violence (Chinkin, C. [1994](#)).

The essence of the current article, reproduced below, is that sexual violence, which has been methodically used as a weapon all through times of war since time immemorial, threatens to challenge international law; on the other side. It also undermines significant other laws currently in force, as it requires a complete image regarding

two categories of responsibilities: individual criminal accountability and state accountability. This article focuses on the challenges that must be overcome to bring those criminals who committed the crime to justice, as was previously mentioned. In contrast, accountability is the only thing that helps drag all those criminals who should be held accountable for such global crimes. However, because international law is accountable to the State, it is different from our provincial legislation in this regard.

Moreover, the modern world is increasingly moving away from state accountability and toward individual criminal accountability, or the responsibility and accountability for one's own actions. Thus, it names both the principal perpetrator—the active party—and the person who at least encouraged, supported, shielded, assisted, or scheduled the crime. Such crimes are frequently committed throughout an international or non-international conflict or in any other uncertain situation, which raises questions about whether the active or passive executor is personally liable for the commission of that international violence (MacKinnon, C. A. [2007](#)).

Notion of Responsibility during War

Since the beginning of time, there have been wars. Furthermore, there was a massive debate over whether it was feasible to prosecute someone for an international crime they had committed. It took more than a thousand years to conclude that people, not states, are responsible for crimes. It was determined in the end that there should be a person's criminal responsibility for global crime. It is difficult to comprehend why the international community struggled to hold the actual offender accountable for the widespread atrocities they committed after a long period of war antiquity. That was primarily due to pre-20th-century attitudes toward individual criminal accountability, which were very different from today. Philosophies and tactics were developed to end historical atrocities committed during times

of war. No one was successfully prosecuted despite the formal acknowledgement of individual criminal accountability. The reason for this was that throughout history, up until the end of WW II, state representatives, rulers, and reliable military generals loved impunity; it was decided that kings and leaders should not be held responsible to other nations for the crime committed by them inside the borders of their nation. Because they believed they were acting on behalf of their country, the idea of national sovereignty also provided them with protection, which they utilized as a shield from any personal criminal liability. Emperors and nations felt free to use any atrocities to further their political objectives (Engel Jr, C. C. [2004](#)).

The Catholic Church in Western Europe spearheaded a significant movement known as The Peace and Truce of God (Latin: Pax et treuga Dei), which used spiritual sanctions to curb wartime violence. However, none of these laws led to the outlawing of war or the imposition of personal criminal liability. The main advancement in the concept of accountability for an international crime can be attributed to the fifteenth century when scheduling and action were taken to bring those responsible to justice. Notwithstanding, the majority fell short due to state impunity or reluctance to bring charges against those in charge of international crime. Nations did not come to understand the horror of the two previous world wars or the impact of the failure to hold those responsible accountable until World War II. A permanent international criminal court was also established to prevent retaliation against victims of international crimes. The long-dormant preexisting principles were consequently put into motion when post-war court cases of German and Japanese commanding officers and service officers, primarily accountable for international crime, were conducted. The ICTY and the ICTR, despite a contentious beginning, first elaborated on the elements of responsibility. These two international criminal tribunals revolutionized

the development of a new body of law known as international criminal law. However, the Tribunal of Tokyo applied the concept in such a way (very broadly) that it efficaciously became a combined criminal enterprise in the modern sense. The International Military Court in Nuremberg did not address prime responsibility. After WW II, the Yamashita case before the US Military Commission elevated the idea of prime responsibility (Rutschmann, P. [2011](#)).

State Responsibility

The ideology of responsibility of states, also known as the core principle or cornerstone of international law, was one of many concepts introduced by the Treaty of Westphalia in 1648. It later developed and was stated clearly by the principle of sovereignty. As a result, one of the fundamental rules of international law that results from the global administrative structure, the justifications of national power, and the reasonableness of States is Government commitment. It suggests that if a nation commits a crime against another internationally illegal (improper) nation, it will be held universally responsible for paying damages. The International Law Commission's (ILC) formalized work, which has worked extensively on this topic, has focused on the State Duty subject matter. This has been the riskiest investigation.

Regarding State responsibility, the ILC started working on the article outline in 1975. The Regulations on State Responsibility were approved by the ILC on August 9, 2001. *"The International Law Commission's Articles on Responsibility Of states were noted in the General Assembly Resolution 83/56 of December 12, 2001, and the United Nations States acknowledged them"* (Khan, A., Khan, A. S., & Khan, I. ([2022](#))). The ILC Articles create the international Law of State obligation in addition to the State's custom and the international tribunal's rulings (the relevant case law). The law pertaining to State accountability discusses the nature of the State's accountability, the legal implications that follow

from it, and how that culpability is applied (Crawford, J. [2013](#)).

Nature of State Responsibility

Three crucial components form the basis of state obligation. The first is that the participating States are legally required to follow one another's practices on a global scale. The other is performing or failing to perform an act in violation of a particular government obligation. The third is that it has harmed or been negatively impacted by this unlawful act or omission. These three crucial pillars laid the groundwork for the State's obligation, which the ILC's "Articles" have accomplished and reproduced. It asserts that because it is an action or inaction that the State is accountable for under international law, it violates the State's obligations to other countries and is unlawful everywhere it takes place. Any action that, regardless of its source or nature, conflicts with what the State is required to do under that accountability violates international accountability (Weiss, E. B. [2002](#)).

Moreover, a right actually produces responsibility. All rights with universal scope are subject to international obligations. Under international law, there is no distinction between contractual (conventional) and tortious obligations. Contract ruptures and other legal duty violations both fall under the umbrella of international obligation. Therefore, any misuse of a state's authority, regardless of its source or nature, increases the State's accountability and, as a result, the need for remuneration.

Consequently, payment is necessary for a State to abdicate any of its obligations. Like this, the government's accountability only increases if a state can be held accountable for the action or inaction that proves a breach of legal responsibility. It might have its roots in the idea of "fault" or "no-fault."

In particular, it is crucial to note that a State is responsible for wrongdoing that sets up international crimes, not international crimes

themselves. International crimes are not mentioned in the ILC Articles due to disagreement over State responsibility. International crimes and international crimes were acknowledged in the ILC draft articles. The draft Articles stated that other unjustifiable international acts were international crimes, including hostility, border control, bondage, and genocide. These international crimes resulted from the violation of an international commitment essential to protecting the primary interests of the international network and were regarded by that network as offenses (Crawford, J. [2002](#)).

Consequently, the ICJ's decision regarding Serbia's duty to carry out genocide in Bosnia derives from an overview of the condition in Bosnia-Herzegovina and the former case before the ICJ. The case of Bosnia v. Serbia resulted from lawsuits brought on March 20, 1993, against the Federal Republic of Yugoslavia by the Republic of Bosnia-Herzegovina over the alleged destruction of the Genocide Crime Convention. The applicant and claimant who created what was recognized as the Social Federal Republic of Yugoslavia (SFRY) until 1992 were two of the six states and two independent provinces. Additionally, Bosnia-Herzegovina, Montenegro, Slovenia, Croatia, Macedonia, Kosovo, and the independent regions of Vojvodina were all included in Serbia and the SFRY. 1991 saw the SFRY collapse for a variety of reasons. The legal process for the current lawsuit got underway in Oct. 1991, when Bosnia and Herzegovina's parliament declared its independence from the SFRY in a settlement on "sovereignty." The Serbian Representatives of the Bosnian Parliament announced a distinctive Assembly of the Serbian Nation/Assembly of the Serbian People of Bosnia - Herzegovina on October 24, 1991. The Republika Srpska, which was founded on August 12, 1992, was the official end of the war and was seen as a chance for Bosnia - Herzegovina. Bosnia and Herzegovina recognized their possibility from the SFRY appropriately due to their submission on March 1, 1992. On May 22, 1992, the decision was

recognized by the UN, the EU, and the US (Nollkaemper, A. [2003](#)).

Also, in a Bosnian case before the International Court of Justice (ICJ), Bosnia asked that the Federal Republic of Yugoslavia (FRY) or one of its substitutes complies with the "Convention on the Prevention and Punishment of Genocide" by partially ending and trying to get rid of the whole thing, nationally and ethnically, in the Republic of Bosnia and Herzegovina, but not in a way that is not perfect. Muslim residents, in particular, who have killed members of the group, intentionally damaged members of the group physically or psychologically, deliberately imposed conditions of life on the group that is intended to cause bodily destruction either in whole or in part, and proposed special measures to prevent births within the group. The massive murders and other crimes noted in the Bosnia application occurred throughout the states. Nevertheless, not only for Bosnia and Herzegovina but also for the entire international community, the annihilation in Srebrenica proved to be an enormous undertaking. The other elements of the Yugoslav armed group in Bosnia and Herzegovina, the VRS, with which Bosnian Serbs are now connected, are represented in the Yugoslav People's Army, and it is thought that the two enormous powers, allegedly acting under some direction from Belgrade, Serbia's capital, committed the Srebrenica massacres. Thus, the main question for assurance would be whether Serbia was accountable for the massacre. The Court was required to determine whether the FRY armed forces and the Bosnian Serb army participated in the massacre and whether the FRY government participated in the planning, organization, or execution of the Srebrenica massacre (Voigt, C. [2008](#)).

The State's obligation According to Art. IX of the Genocide Convention, under the discretionary circumstance outlined in Art. 36(2) of the ICJ Statute or by the terms of a specific compromise, a State's responsibility to address other universal

wrongdoings and widespread human rights violations that are described by bargaining and customary law may accompany the ICJ. These issues typically form part of a more significant issue, which frequently includes the morality of exercising authority. That was the case, for instance, in Nicaragua. The United States (US) is a prime example of *jus ad Bellum* and self-preservation. At the same time, the issue of the United States' purported responsibility for the contras' violation of the law of war is instead handled by opportunity. Congo's most recent choice. In general, Uganda controls its use of force, but it is becoming a synopsis of human rights violations and violations of the law of war increasingly.

ICC Statute Article 25(2) reflects this possibility of coexistence in globalization, which states.

“No provision in this Statute relating to individual criminal responsibility shall affect the responsibility of States under international law.”

Committing an act of state obligation does not invalidate a person's international criminal obligations. Art. 58 of the ILC Articles on State Obligation for International Illegal Acts (Articles on State Accountability) states that these articles do not affect any separate obligations that any person may have under international law when acting on behalf of a government. The ILC stated in its commentary on the former Article 19 that the duty of persons *“certainly does not deplete the prosecution of the State's international accountability for internationally wrongful acts”* that are in such cases attributed to it by the conduct of its organs and that 'the State is permitted to act in that way. Also stated therein was *“the international accountability of States for acts carried out by individuals acting as state organs or officials is not eliminated by the criminal culpability of an individual.”*

Individual Responsibility

State accountability is losing ground to personal criminal responsibility due to the expanding reach of international law and its branches, and accountability is steadily gaining ground. The single obligation is less known and understood in the widespread field because international law has traditionally involved handling states' concerns. However, the development of ICL, which creates criminal responsibility from IHL, HRL, and domestic legislation, in recent decades has seen an increasing individualization of duty also in IL. The Rome Statute of the International Criminal Court (ICC) limits criminal acts to massacres, crimes against humanity, mass killings, and illegal acts of hostility and sexual viciousness, making ICL less expensive than most domestic legal systems. The Convention is quite explicit about individual responsibility, but the same cannot be said for holding states accountable for the commission of genocide. Because even though Article 6 does not prohibit “responsible rulers” and “public officials” from being tried and punished for the crime, and even though Article 1 places the burden of proof on the states to “prevent and punish” genocide on the states, the Convention is ambiguous when it comes to determining when a state is responsible for genocide (Cappelen, A. W., et al., [2010](#)).

As a result, this topic has been the focus of numerous inquiries and dialogues in scholarly work. According to Paola Gaeta, the Convention called for the implementation of *“fundamental values of international law regardless of whether they are breached by individuals acting on behalf of a state”* through the imposition of federal criminal penalties. It is, therefore, not a problem with the actual and plausible formulations of the Genocide Convention (GC) since its language requires state commitments to avoid and reject destruction as malfeasance, as well as the tradition of accepting state annihilation as a legitimate goal. The Nuremberg Legacy demonstrates that crimes are committed by men, not by different levels of abstraction, and states cannot be judged as

criminals. In their joint statement regarding the 2007 ICJ Genocide ruling, Judges Shi and Koroma expressed a similar sentiment. In a joint statement attached to the decision, Judge Shi and Koroma expressed concern about the translation provided by the judgment regarding the method by which a State could be held accountable for the crime of genocide.

Individual Responsibility during International Armed Conflicts (IACs)

In customary international law, individual criminal responsibility for war crimes has long been recognized. A number of laws of war agreements have reaffirmed this principle since it was first recognized in the *Lieber Code* and the *Oxford Manual*. Criminal responsibility for war crimes committed during the international conflict was established by the Nuremberg and Tokyo IMT's charters, the Statute of the ICTFY, and the ICC. According to various military manuals, people are ashamed of committing war crimes. The rule of individual criminal responsibility regarding war crimes is updated in various state legislation. On the premises of this principle, numerous accused war criminals were stabbed. This principle is supported by legal declarations and open practice as well. The UN General Assembly, UN Security Council, and UN Commission on Human Rights (UNCHR) reviewed the directive with various goals. It was also examined by various other international organizations (Kretzmer D. et al., [2014](#)).

Individual Responsibility during Non-International Armed Conflicts

Since the mid-1990s, non-international armed conflict (NIAC) has made tremendous progress. Three international humanitarian agreements, specifically “*Protocol II to the Convention on Certain Conventional Weapons*, the *Statute ICC*, and the *Second Protocol to the Hague Convention on the Protection of Cultural Property*,” have unmistakably joined singular criminal obligations in connection with war crimes dedicated in NIAC. “*The Ottawa*

Convention prohibiting the use of minefields and the Optional Protocol to the Convention on the Rights of the Child on the Participation of Children in Armed Conflict,” which foresee that States should censure denied conduct bringing it into NIAC, are undoubtedly seen as explicit in two other late-game schemes. It is clearly stated in both the Special Court for Sierra Leone and ICTY's statutes that the parties are criminally responsible for war crimes committed during non-international armed conflicts. War crimes perpetrated in non-international armed conflicts have been denounced by many states, particularly in the past decade. Explicitly affirming the ICC's Statute and wanting to abuse its standard of complementarities, more will more than likely be sought after. During non-international armed conflicts, some war crimes have been prosecuted by national courts. Additionally, since the middle of the 1990s, there have been a number of official pronouncements on domestic and international issues regarding the single criminal danger in NIAC (Graditzky, T. [1998](#)).

International organizations publicly admitted in the middle of the 1990s that there had been instances of NIAC violating the Law of War. The UNCHR, UN SC, and UN GA all examined the norms of individual criminal responsibilities regarding war crimes committed in NIAC. As a result, for example, in the case of “*Afghanistan, Angola, Bosnia-Herzegovina, Burundi, Rwanda, Sierra Leone, Somalia, and the former Yugoslavia*.” furthermore, the European Union issued comparable declarations to Liberia in 1996 and Rwanda in 1994 through the Organization of African Unity. The ICT for the former Yugoslavia and Rwanda's initial rulings on those accused of crimes committed in regional wars ensure that those responsible will face criminal charges. In the Tadic case from 1995, the Appeals Chamber of the ICTY determined that there had been only one instance of a war crime committed during a NIAC.

Individuals are legally culpable for committing war crimes as well as for attempting

to continue committing war crimes. They are also responsible for aiding, abetting, facilitating, or enabling the commission of a monstrosity. Additionally, they are accountable for planning or encouraging a war crime committee. Under international law, combatants should be held financially accountable for their tragic disappointments. In a report on the interpretations of hardship and the development of solid understanding and controllable improvements in Africa, the UN Secretary-General suggests that ordinary people be the cognizant target of hostility. Social gatherings that engage in combat will be gradually held accountable for their actions. During the Gaca primers set up in Rwanda for the purpose of destroying suspects, the UNCHR Special Representative noted that those blamed for bad property behavior would be suspected of paying for their misbehavior. Social gatherings that engage in combat must gradually be held accountable for their actions. In a study on human rights in Rwanda, the UNCHR for Rwanda's Special Representative noted that during the gaca aptamers set up in Rwanda to try to destroy suspects, those faulted for bad property behavior and attitude will be accused of paying remuneration for the mischief they exacerbated (Forsythe, D. P. [1978](#)).

In addition, the Slobodan Milosevic era (1987–2000) in Serbia was distinguished by violent interethnic conflict in Croatia, Bosnia, and Kosovo, exceptional international disconnectedness, and brutal regional restraint. Each of the three conflicts involved legitimate participation by the paramilitary groups and the Yugoslav national armed force, JNA, which is under Serbian control (Human rights watch, 2006). Serbian authorities committed terrible atrocities against law-abiding citizens, including the massacre of 7,000 Bosnian men and boys in Srebrenica. Milosevic was expelled from office in a well-known uprising in 2000 after he refused to accept the implications of the president's political choice.

After Milosevic was overthrown, Serbia's transitional government encountered solid international pressure to prosecute those responsible for atrocities, including Milosevic. Individual trials at the ICTY served as the model for the transitional equity guidelines. The WCC's involvement with the ICTY has been the international community's principal evaluation of Serbia's value-based initiatives since 2003, when the Serbian atrocities chamber was opened. Additionally, the restriction agreement, through which virtually all international accolades in Serbia decided to apply for global guidance, authorized this capital tool judgment. There is no disputing the Hague tribunal's outstanding historical importance in preserving the vast scope of atrocities reported during the Yugoslav wars. By gathering a collection of evidence of war crimes that presumably would not have been assembled without the Hague procedures, the ICTY has met a critical need. The first individual proclamations of more than 3500 spectators were included in the ICTY preliminary proceedings, allowing them to publicly express their misfortune and suffering (UN development program [2006](#)). Similarly to this, Serbia has seen remarkable equity results due to the selective focus on individual responsibility (Somer, J. [2007](#)).

According to the research mentioned above, the issue of personal responsibility for sexual violence is complex, raising some perplexing and unavoidable problems for international law. Similar to the case I just described, this one involved a number of crimes, including sexual violence, enslavement, and sexual abuse. Consequently, in international law, responsibility is now divided into two categories: command responsibility and individual responsibility. Each State ensures that its soldiers receive adequate training regarding armed conflict as well as a manual. If, however, a soldier engages in acts of sexual violence, such as rape, torture, or other forms of physical abuse while in camp, he will be held personally accountable for those crimes

because the State is unwilling to take responsibility in those situations.

Landmark Cases of Individuals Convicted Criminals

Over 70 people have been charged with sexual violence offenses, such as rape and assault. There have been nearly thirty sentences handed down since mid-2011. Therefore, the ICTY investigated and prosecuted numerous cases of wartime sexual assault in Bosnia - Herzegovina as early as 1995, leading to the filing of numerous indictments. Since then, the number of people charged with sexual violence crimes like rape and sexual assault has increased to over 70. The number of people indicted since mid-2011 has reached nearly thirty. The tribunal paved the way for international equity in the area of sexual offenses by prosecuting sexual assault as a war crime, a crime against humanity, as well as genocide in a number of landmark cases.

Additionally, this election of the nearby board head of State of the former Bosnian Serb Democratic Party from Kozarac in northwest Bosnia - Herzegovina left a mark on the world from a variety of directions. The Nuremberg and Tokyo trials were the first international trials of war crimes. It was also significant because allegations of sexual assault were included in the first global war crimes trial. The trial showed that rebuking offenders was possible and that the emerging international criminal intent might end the dispensation for sexual crimes.

The Trial Chamber learned that after seizing control of Prijedor's territory, Serbian forces in the northwest of BiH interned a large number of Muslims and Croats. At the Omarska Camp, some formally attired men, including Dukotadi, forced one of the prisoners to bite off yet another prisoner's tactics. Due to his involvement in this and other episodes, the Trial Chamber found Tadi responsible for cold-blooded treatment (breach of the principles and norms of war) and cold-hearted acts (unspeakable atrocity) in May 1997.

Tadic was also found guilty of being cruel to people and purposefully causing physical or mental suffering or actual harm after two years of the Geneva Exhibitions in 1949. The Chamber of Appeals asserted in the judgment that Dukotadi empowered and supported the group of men who took part in the ambush successfully through the power of his principle. The person in question and various prisoners' cold-bloodedness and mortification are of significant concern here. Tadic received a 20-year prison term in January 2000.

By viewing the attack as a form of torture, the preliminary of four former Bosnian military personnel established a victory in global justice and, in that context, both an absolute violation of the GC and an infringement of the principles and practices of warfare. In this way, three of the four accused were charged with sexually abusing native Bosnian Serbian residents who were being held in a detention facility in Elebii, in the centre of BiH. The trial chamber debated various allegations of sexual assault during the proceeding. In order to force two siblings to offer up to fellatio with other prisoners in full view of one another, camp watchman Esad Lando set up an ingesting circuit around their genitalia. He also forced another male prisoner to continue running between the columns by wrapping a consumption wire around his genitalia. In essence, the ICTY also took Lando's primary accountability for these demonstrations into account. The head of the camp, Zdravko Muci, was held accountable for both of these violations as well as others that his followers had submitted. The crimes were regarded as grave breaches of the customs and laws of war (Khan A. et al., [2022](#)). A legal benchmark has been formed in the dialogue of the assault allegations made by the delegate camp officer, HazimDeli. In its initial ruling of this kind, the ICC classified the assault as a form of torture. Deli subsequently assaulted Grozdana and Milojka Anti during cross-examination. Both women were detained in the camp. The judges concluded that the assaults were carried out in

order to collect data, reject the women for not providing data, and intimidate and coerce them into doing so. The Trial Chamber also discovered a discriminatory explanation for the cruelty experienced by the two women: it was inflicted on them because they were women. The ICTY's Chamber of Appeals upheld the Trial Chamber's decision and sentenced Hazim Deli to 18 years in prison, Zdravko Muci to 9, and Esad Lando to 15 years in jail. Zejnil Delali, a fourth person who had been accused, was ultimately exonerated due to a lack of supporting evidence (Socia, K. M., et al., 2020).

Anto Furundzija was charged with sexual assault in the ICTY's primary case against him. In the preliminary, Furundzija, who at the time was the leader of the Jokers, a distinct component of the "Croatian Defense Council (HVO) in Bosnia and Herzegovina," led cross-examinations on the various assaults claimed by a Bosnian Muslim woman. Consequently, in my opinion, his subordinate, not Furundzija, attacked the woman in front of a laughing crowd of various officials' watchers. Furundzija, the unit's official, was seen as responsible as co-accused, aiding and abetting. Furundzija was sentenced to 10 years in prison after the conviction was upheld on appeal.

The Radislav Krsti case established a link between rape and ethnic cleansing that was

intimately correlated to genocide regarding Srebrenica's wrongdoings in July 1995, despite the Kunarac et al. final judgment characterizing rap as a weapon of war. "Krsti was a General Major in the Bosnian Serb Army and the founder of the Drina Corps during the movement that resulted in the implementation of more than 7,000 Bosnian Muslim youthful men and men from Srebrenica in July 1995. Besides that, between 20 and 30,000 of Srebrenica's Muslim residents—mostly women, children, and the elderly—fled to the neighboring village of Potoari as the city came under the control of Bosnian Serb armed forces". Within the UN military facility, 2,000–3,000 people were looking for security. Serbian established the compound, hid among the crowd, mixed with the individuals, beat, and killed. In line with this, the troopers engaged in numerous rape displays. The Chamber of Appeals continued its fierce sexual sentiments in 2004. Krsti was given a 35-year prison sentence.

Additionally, research has listed every criminal involved in different crimes involving sexual violence in numbers. As stated in Art. 7(1) of the ICTY Statute, 32 individuals were sentenced as of September 2016 for their responsibility to dedicate sexual violence crimes. In accordance with Art. 7(3) of the Statute, four additional persons were sentenced for failing to deter or punish those who committed the criminal acts.

Table 1.

Name	Link/ Source	Imprisonment in Years
Miroslav Bralo	Bralo	20 Y
Predrag Banović	Banović	8 Y
Radoslav Brđanin	Brđanin	30 Y
Ranko Češić	Češić	18 Y
Vlastimir Đorđević	Đorđević	18 Y
Anto Furundžija	Furundžija	10 Y
Momčilo Krajišnik	Krajišnik	20 Y
Radislav Krstić	Krstić	35 Y

“Dragoljub Kunarac		28 Y
Radomir Kovač	Kunarac et al.	20 Y
Zoran Vuković		12 Y
Dragoljub Prcać		5 Y
Milojica Kos	Kvočka et al	6 Y
Mlado Radić		20 Y
Milan Martić	Martić	35 Y
Hazim Delić		18 Y
Zdravko Mucić	Mucić et al.	9 Y
Esad Landžo		15 Y
Dragan Nikolić	Nikolić	20 Y
Biljana Plavšić	Plavšić	11 Y
Ivica Rajić	Rajić	12 Y
Nebojša Pavković	Šainović et al.	22 Y
Duško Sikirica		15 Y
Damir Došen	Sikirica et al.	3 Y
“Dragan Kolundžija		5 Y
Milan Simić	Simić	5 Y
Milomir Stakić	Stakić	40 Y
Duško Tadić	Tadić	20 Y
Stevan Todorović	Todorović	10 Y
Dragan Zelenović	Zelenović	15 Y
Mičo Stanišić		22 Y
Stojan Župljanin	Stanišić&Župljanin	22 Y

Art.7(1) of the Statute raises the issue of a person's criminal culpability. The first sentence explains, “A person who planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of a crime referred to in articles 2 to 5 of the present Statute, shall be individually responsible for the crime.”

Article 7(3): “The fact that any of the acts referred to in articles 2 to 5 of the present Statute was committed by a subordinate does not relieve his superiors of criminal responsibility if he knew or had reason to know that the subordinate was about to commit such acts or had done so and the superior failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof”. (Thompson L. et al., 2020)

Table 2. The prosecutions against five individuals were abandoned

Accused Name	Case Name
Mirko Babić	<u>Mejakić et al.</u>
Nenad Banović	
Predrag Kostić	
Gruban	<u>Simić et al.</u>
Blagoje Simić	

Conclusion

All societies have a high prevalence of sexual violence against women, children, and occasionally men. Raped people exist in every society. Different environments have different rates of sexual violence. The way in which sexual violence is defined and measured, the negativity and shame attached to it, the degree to which reporting of abuse and assault is inspired, cultural norms, and the status of women and children in the community are possible causes. Nevertheless, it is crucial to measure prevalence, which is why there are international efforts to improve the methods and tools for doing so. It is challenging to develop adequate answers and prevention programs because there are insufficient data on the various kinds of sexual violence, especially in developing nations. Estimates of prevalence give decision-makers and advocate information to help with service and policymaking and advocate for funding. Additionally, it reveals to us where to concentrate our prevention programs.

In a nutshell, it can be said that the culpability for sexual violence represents a significant challenging problem for international law and also misinterprets the laws of others. As the article has already mentioned, there are two types of responsibility in modern society: state responsibility and personal accountability. Furthermore, since there are no set guidelines or rules for responsibility, it depends on each circumstance as to whether or not responsibility will have been assumed. Therefore, who is

accountable for what kind of incident occurred and who broke the law? It will then detail the ethical responsibility, stating that it is both a state and individual responsibility. The article also discussed the responsibilities listed above and clarified where each responsibility is used and why.

Consequently, individual responsibility is not applied to the criminal of state responsibility, and as a result, state culpability is not implemented to the criminal of individual criminal responsibility. As a result, all 32 of the criminals were brought before the Court in the case of individual criminal culpability. After that, they were all found guilty by the same Court for their roles in a case of sexual assault and were sentenced to prison.

One potential area of future research in the field of law related to sexual violence could be examining the effectiveness of current international laws and protocols in addressing and preventing sexual violence in armed conflicts. This could include analyzing the implementation and enforcement of laws such as the Rome Statute of the International Criminal Court, which includes provisions for the prosecution of sexual violence as a war crime and crime against humanity. Additionally, the research could focus on the role of international organizations and non-governmental organizations in addressing sexual violence in armed conflicts, as well as identifying gaps and challenges in current international efforts to address this issue. Another area of research could be to focus on the

reparations and the rehabilitation process of the survivors of sexual violence in armed conflicts and how it can be improved to provide more efficient and effective support.

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