JURNAL MEDIA HUKUM

Vol. 31, No. 2, December 2024
P-ISSN: 0854-8919, E-ISSN: 2503-1023
Nationally Accredited Journal, Decree No. 72/E/KPT/2024.

Examining the Regulatory Frameworks Governing Prohibition of Torture in Warfare

Uche Nnawulezi[1*], Safiyyah Ummu Mohammed[2], Septhian Eka Adiyatma[3], Ademola O. Ojekunle[4], Oluwatobiloba Ifedolapo Ajayi[5]

[1,4,5] *College of Law, Bowen University, Nigeria*
[2] *Faculty of Law, Usmanu Dan Fodiyo University Sokoto State, Nigeria*
[3] *Faculty of Law, Diponegoro University, Indonesia*
**Corresponding Author: uche.nnawulezi@bowen.edu.ng*

ARTICLE INFO

Keywords:
Pains, Torture, Warfare

How to cite:
Nnawulezi, U., Mohammed, S.U., Adiyatma, S.E., Ojekunle, A.O., and Ajayi, O.I. (2024). Examining the Regulatory Frameworks Governing Prohibition of Torture in Warfare. *Jurnal Media Hukum, 31(2)*, 316-332.

Article History:
Received: 20-05-2024
Reviewed: 23-07-2024
Revised: 09-09-2024
Accepted: 08-11-2024

ABSTRACT

The aim of the paper is to examine the regulatory frameworks governing the prohibitions of torture in warfare to determine their adequacy in protecting civilian populations against torture during armed hostilities. To address the threat posed by torture in warfare against the civilian populations, the regulatory frameworks on International Humanitarian Law (IHL), International Human Rights Law (IHRL) and International Criminal Law (ICL) are examined. It may be argued that although this regulatory framework is aimed at guaranteeing safety of the civilian populations in situations of armed hostilities but are not capable of dealing with the current challenges. The paper employs a doctrinal approach by identifying and analyzing the applicable rules of IHL, IHRL, and ICL. It demonstrates how these laws impact the basic rights of civilian populations during armed conflicts. The paper found that despite the performance of the Tribunals as regulatory measures, they are confronted with several challenges prosecution and enforcement of their decisions. The paper concludes with recommendations that are relevant to address the challenges in order to ensure that the various frameworks are effectively implemented by States to safeguard the civilian populations from acts of torture during armed hostilities.

DOI: *https://doi.org/10.18196/jmh.xv31i2.22420*

1. Introduction

This paper examines the regulatory frameworks governing the prohibitions of torture in warfare along with the adverse effects of torture to the civilian populations during armed hostilities. In addition, the challenges faced by the regulatory regimes that hinder its effectiveness will be reviewed accordingly. In examining the regulatory frameworks governing the prohibitions of torture in situations of armed hostilities, the paper examines torture from the perspective of human rights law, humanitarian law and international criminal

law torture. As torture is construed as a widespread evil, it has led to several interpretations of the concept by scholars.[1] As a result, there seems to be an understanding that torture does not take into cognizance individual differences with respect to resistance to the adverse effects of the pains arising from torture. Among other things, the paper noted as follows:[2]

"Pain becomes an issue of concern when it is done in such a manner that inflicts injury on the victims. Torture imay be seen as a means of maltreating the weak who may not have the will power to revenge. In this sense, the resultant effects of torture on the victims are pain, and the impact varies from one individual to another, while there is no parameter to measure the extent of the impacts on the victims."

The concept of torture demonstrates that torture is de facto widely applied, and very prominent in criminal law jurisprudence as well as in judicial proceedings, security services; police forces along with military personnel.[3] To further amplify the above statement, the concept of torture was given broad interpretations in several global regulations. Aside from the law of war, it suffices to mention the Universal Declaration of Human Rights (UDHR) 1948. In this sense, the former is, however, a mere recommendation to States, while the later, though binding, is saddles with insufficient monitoring regulatory measures that guarantees efficiency in terms of applications by member States. Considering the adverse effects of torture during armed hostilities, States have adopted several measures to address issues of torture even at the regional level.[4] Therefore, despite several measures adopted at the global, regional and national levels to address torture, it is imperative to consider this question; Have these regulatory measures been able to address several cases of torture in situations of military warfare? Drawing from the above question, the paper therefore argued that noted the mere fact that they have been adopted by States are not to be seen as a determinant factor for its efficiency. Secondly, as the documents contained detailed definition of torture, it has not only cleared the ambiguity in its interpretation but represents a vital step forward at all levels of operations.[5]

Regarding the foregoing, the Constitution of the Federal Republic of Nigeria (CFRN), 1999 (as amended) also prohibits maltreatment of human persons and other related acts of cruelty and dehumanizing conditions. For instance, Section 3 (1) of the National Anti-Torture Act (NATA) 2017 provides as follows: "on no account whether in situations of warfare, threat, civil disturbances as a result of political instabilities or situations of public emergencies should unjust treatment on human persons be justified as grounds for such actions ".[6]

---

[1] Dapo Akande and Emanuela-Chiara Gillard, 'Conflict-Induced Food Insecurity and the War Crime of Starvation of Civilians as a Method of Warfare: The Underlying Rules of International Humanitarian Law', *Journal of International Criminal Justice*, 17.4 (2019), 753–79. https://doi.org/10.1093/jicj/mqz050.

[2] Samia Awad Mohamed Hassan and Somia Abdelrhman Mohamed Ali, 'Limitations On Warfare Methods: A Brief Examination Under International Humanitarian Law', *Journal of Advances in Humanities Research*, 2.4 (2023), 1–19. https://doi.org/10.56868/jadhur.v2i4.189.

[3] Yordan Gunawan, Yasir Perdana Ritonga, and others, 'Does the Protection of Minority Groups in Xinjiang Fail?', *Sriwijaya Law Review*, 4.2 (2020), 205–20. https://doi.org/10.28946/slrev.Vol4.Iss2.432.pp205-220.

[4] Megan Donaldson, 'Peace, War, Law: Teaching International Law in Contexts', *International Journal of Law in Context*, 18.4 (2022), 393–402. https://doi.org/10.1017/S1744552322000350.

[5] Johan Brosché, Desirée Nilsson, and Ralph Sundberg, 'Conceptualizing Civil War Complexity', *Security Studies*, 32.1 (2023), 137–65. https://doi.org/10.1080/09636412.2023.2178964.

[6] Rebekka Friedman and Hanna Ketola, 'Violations of the Heart: Parental Harm in War and Oppression', *Review of International Studies*, 50.2 (2024), 393–412. https://doi.org/10.1017/S0260210523000499.

2. Research Method

The paper employs a doctrinal approach by identifying and analyzing the concept of torture in warfare and its impact on civilian populations. The method involves examination of academic literature, Statute, Conventions and Treaties relevant to torture. In this analysis, the legal rules and guidelines within IHL, IHRL, and ICL are analyzed to identify the contributions and limitations of each of the legal regimes in addressing issues of torture during military conflicts.

3. Result and Discussion

3.1. Torture: Conceptual Clarification

Torture may be construed as a concept embedded in the understanding of human rights. In this sense, human rights are inalienable rights each individual is entitled to from birth which remained significant for their well-being as they continued to live as human persons. Torture is an internationally recognized crime by the United Nations (UN) and has been referred to as one of the vilest acts perpetrated by humans on their fellow human beings'. The nature of torture on the face of it informed the reasons why there are so many international instruments that condemned the act, and however, made it an aspect of Fundamental Human Rights guaranteed by global and regional instruments for the enjoyment of all human beings through instrumentalities of the law.[7]According to the World Organization Against Torture (WOAT), torture is 'an intentional destructions of a human being by another'. This implies that the method of inflicting pain and suffering varies, but have the same objective of injuring the person, erasing him as an individual and denying him humanity. Be that as it may, the provisions of Article 1 of United Nation Convention Against Torture (UNCAT), defines torture as follows:[8]

"Any actions which result to an unjustified pains, injury or sufferings either in physical or mental form deliberately inflicted on the victims with an intention of forcefully obtaining from him or another person information or confessional statement against his desire or compelling him to accept the commission of an act done by another. It could be an unreasonable action against a person because of his tribes, color or language. Sometimes, unjust c may arise from agents of government acting in their official capacities to perpetrate illegalities which is also regarded as torture."

In a similar vein, the act of torture is said to have been perpetrated according to the provisions of NATA 2017 when such actions result to an unjustifiable sufferings or injuries either in physical or mental form with an intention to forcefully obtained an information from the victim. What this suggests is that an unjustifiable act on any person deliberately committed also amounts to torture. Thus, Section 3 of NATA, 2017 provides that there is "no justifiable grounds for unjust treatment of human persons." This section remained a significant section of the Act, and however, provides as follows:[9]

"On no account whatsoever, whether in situations of warfare, internal violence; conditions of

[7] Paola Gaeta, '"Another Step in What It Means to Be Human" - Prohibition v. Criminalization of Torture as a Private Act', *Journal of International Criminal Justice*, 19.2 (2021), 425–38. https://doi.org/10.1093/jicj/mqab032.

[8] Hanne M Watkins, 'The Morality of War: A Review and Research Agenda', *Perspectives on Psychological Science*, 15.2 (2020), 231–49. https://doi.org/10.1177/1745691619885872.

[9] Émilie Pottle, 'What Is Torture? Making the Case for Expanding the Definition to Include Private Individuals as Perpetrators', *Journal of International Criminal Justice*, 19.2 (2021), 407–13. https://doi.org/10.1093/jicj/mqab030.

emergencies or political instabilities should the act of unjustified treatment on human beings be seen as grounds for ill-treatment otherwise known as torture."

According to International Criminal Court (ICC), an offence of unjustified treatment comprised of the following attributes:[10] 1. Crime offender, 2. Crime offender who committed the offence for the purposes of forcefully obtaining an information from the victim; 3. Crime offender may be a military personnel or a civilian not participating in warfare; 4. Crime offender is someone conversant with the relevant provisions of the law prohibiting unjustified treatment against any person; 5. When an unjustified treatment occurred during military warfare not of global nature, and 6. Crime offender who is knowledgeable about the rules of IHL regarding the conduct of warfare.[11] Regarding the attributes listed above, the paper revealed that no acceptable standards exists as a determinant factor for legal evaluations of the act of the crime offender in situations of military warfare or what should be used to justify that crime offender understands the resultant effects of his actions.[12] Be that as it may, it may be stated that unjustifiable treatment, inhumane and dehumanizing treatments or maltreatment, are considered to be one of the significant grounds that seems to justify an act of torture, and very vital to all the Convention bordering on human rights. It is clear from the perspective of ICC that what determines the standard of what amounts to ill-treatment or dehumanizing conditions has been set at a high level. This suggests that only serious ill-treatment or dehumanizing conditions are regarded as torture. Although, an unjustifiable treatment must reach a reasonable point of severities known as the objective test before it could be termed as torture.[13]

Aside from the above understanding of the concept of torture, it is worthy highlighting that torture involves physical suffering which takes many forms such as electrical shocks, false imprisonment, denial of medical care, severe overcrowding, and beatings. It also involves sexual abuse like rape, molestation; human trafficking; forced nudity or sexual humiliation. Moreso, mental or psychological torture can inflict equal pain on human being. This kind of torture does not cause any physical injury to the person's body. The most important lesson to learn from the various definitions of torture is that what differentiates torture from other related acts of cruelty, inhumane or dehumanizing conditions stems from the aim or reasons behind such an ill-treatment on the victim. It must be stated that torture can be so devastating to the mental health of survivors which oftentimes leads to conditions such as post-traumatic stress disorder (PTSD), tension; loss of self-esteem, and other mental situations.[14]

---

[10] Birju Kotecha, 'The International Criminal Court's Selectivity and Procedural Justice', *Journal of International Criminal Justice*, 18.1 (2020), 107–39. https://doi.org/10.1093/jicj/mqaa020.

[11] Elizabeth Salmón and Juan-Pablo Pérez-León-Acevedo, 'Reparation for Victims of Serious Violations of International Humanitarian Law: New Developments', *International Review of the Red Cross*, 104.919 (2022), 1315–43 <https://doi.org/10.1017/S1816383122000297.

[12] Yordan Gunawan, Ghiyats Amri Wibowo, and Mohammad Hazyar Arumbinang, 'Foreign Fighters in the Ukrainian Armed Conflict: An International Humanitarian Law Perspective', *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi*, 6.2 (2023), 145–57. https://doi.org/10.24090/volksgeist.v6i2.9315.

[13] Moruf O Mimiko, Olaposi A Olaseeni, and Akin Olawale Oluwadayisi, 'Unresolved Jurisprudence of Crime against Humanity under Article 7 of the Rome Statute of the International Criminal Court', *Beijing Law Review*, 7.4 (2016), 420–29. http://doi.org/10.4236/blr.2016.74033.

[14] Yordan Gunawan, Muhamad Haris Aulawi, and others, 'Command Responsibility of Autonomous Weapons under International Humanitarian Law', *Cogent Social Sciences*, 8.1 (2022), 2139906. https://doi.org/10.1080/23311886.2022.2139906.

3.2. Regulatory Regimes of IHL on Torture (Geneva Conventions)

The regulatory regime of IHL on torture evolved because of harmful practices against civilian populations during armed hostilities. It seems apparent that prior to the emergence of IHL, there were no laws protecting the harmed, shipwrecked, ailing non-combatants, and war captives. It was considering this development, that IHL officially emerged.[15] This suggests that IHL becomes operational in situations of military warfare when law of peace is suspended. Today, there exists hundreds of legal instruments on IHL.[16] The essence of the regulatory regime of IHL is to minimize the extent of human torture in situations of armed hostilities which takes different forms. As measures aimed at minimizing torture in armed hostilities, the UN Declaration Against Torture emerged as the first global instruments that defines what amounts to an unjustifiable treatment on human persons.[17]

The dire need to address issues of torture in situations of armed hostilities became prominent at the end of World War II when the Nuremberg Trials were held to hold accountable individuals who were involved in all manner of atrocities during the military warfare's, including torture.[18] As a regulatory measures, though not within the framework of the Geneva Conventions because of the fact that the trials were based on Law of Nations and human rights principles which contributed immensely in the development of IHL along with the establishments of principles that later reflected in the Geneva Conventions.[19] Pursuant to this development, the regulatory measures under the IHL are the Four Geneva Conventions and its Additional Protocols aimed at providing rules to safeguard combatants, prisoners of war, civilian populations; medical personnel and others during armed conflicts. From the dimensions of protections, the GCs regarded as the key Conventions regulating torture and warfare are those referred to as the First Geneva Convention, the Second Geneva Convention, the Third Geneva Convention as follows: The Geneva Convention for the Mitigation of the situations of the Harmed and Ailing in Military Establishment in the Fields, August 12, 1949, The Geneva Convention for the Mitigation of the Situations of the Harmed, Ailing and Shipwrecked Individuals of Military Establishment at Sea, August 12, 1949; The Geneva Convention Bordering on the Conditions of Prisoners of War of August 12, 1949; The Geneva Convention Connected to the Safety of Non-combatants during Warfare, August 12, 1949. Interestingly, the above Conventions in its Common Article 3 that prohibits torture. [20] Consequently, reports of Russian soldiers cutting off the fingers and wrists of Ukrainian

---

[15] Cecilia Jacob, 'Regulatory Contestation: Steering toward Consistency in International Norm Implementation', *International Studies Review*, 23.4 (2021), 1349–69. https://doi.org/10.1093/isr/viab008.

[16] Osimen Goddy Uwa and Moyosoluwa Dele- Dada, 'The Geneva Convention on Laws of War and the Sudan Armed Conflict', *International Journal of Social Service and Research*, 3.7 (2023), 1606–23. https://doi.org/10.46799/ijssr.v3i7.466.

[17] Muhammad Asif Safdar and others, 'A Comprehensive Review of ICRC's Role in Promoting the Applicability of International Humanitarian Law', *Pakistan Journal of Criminal Justice*, 3.1 SE-Articles (2023), 81–89. https://doi.org/10.62585/pjcj.v3i1.40.

[18] Verity Robson, 'The Common Approach to Article 1: The Scope of Each State's Obligation to Ensure Respect for the Geneva Conventions', *Journal of Conflict and Security Law*, 25.1 (2020), 105–15. https://doi.org/10.2991/aebmr.k.200321.040.

[19] Yordan Gunawan and Mhd. Ervizal Rizqy Pane, 'Responsibility for Excessive Infrastructure Damage in Attacks: Analyse Ing Russia' s Attack In Ukraine', *PETITA: Jurnal Kajian Ilmu Hukum Dan Syariah*, 9.1 (2024), 212–31. https://doi.org/10.22373/petita.v9i1.224.

[20] Nicolás Gonzálvez-Gallego and Concepción María Pérez-Cárceles, 'Cryptocurrencies and Illicit Practices: The Role of Governance', *Economic Analysis and Policy*, 72.1 (2021), 203–12. https://doi.org/10.1016/j.eap.2021.08.003.

Prisoners of War are found to be a violation of the provisions of Geneva Conventions.[21]

Additionally, Article 3 of Geneva Convention Relative to the protection of the harmed and ailing provides for the prohibition of violence to life along with persons, especially murder, mutilation, cruelty and torture. It is however clear that the Geneva Conventions also provided a compendium of certain acts prohibitive in nature such as attempts to human livelihood, unjustified treatment, and forceful rejections. It must be emphasized that while the positive aspects of the IHL regulatory regime on torture do not provide the sole answer to issues of torture, it may be seen as a veritable basis for comparison and improvement. What is important therefore is that it has puts the obligations on IHL to always ensure adequate protection of civilian populations. Whilst group judgment on personal acts, punitive actions, incarcerations of persons in an uninhabitable place along with some other general forms of unjustifiable treatment remained prohibited under the regulatory regimes of IHL, this implies that legal regime has continued to ensure prohibition of torture at all material times.

Owing to the pains and several challenges and developments arising from torture in situations of warfare, the GCs in its Article 3 provides that torture amongst other violent acts against persons remained a prohibited act. The idea espoused in this provision situated within the context of prohibition against unjustifiable treatment, dehumanization; mutilations; treatment of civilian populations not approved by the health department and may be termed as an inhumane treatment for either non-combatants or combatants. These aforesaid provisions contained similar provisions with Article 147 and 130 Geneva Convention 111 as the case may be. It has been observed that this regulatory regime is meant to prevent unnecessary and unwarranted attacks on non-combatants. More importantly, the provisions of the Geneva Conventions on torture have been successful in promoting human rights along with protecting individuals from cruel treatment. Thus, as it focused on prohibition of any forms of dehumanizing conditions, emphasis is made on the facts that these provisions have contributed to the establishment of a global consensus against torture and have led to increased accountability for perpetrators.[22]

The legal implications of the above is that by prohibiting torture, the Convention has played a significant role in upholding human dignity. Thus, on the issue of accountability, this shows that there is a compelling need for the laws to be proactive in their implementation. Drawing inspiration from the Abu Ghraib case, a notable example where the Geneva Conventions was the applicable law in the trials. In this case, the paper observed that during the Iraqi war in 2003, the detainees in Iraqi at Abu Ghraib prison were compelled to several forms of emotional and bodily dehumanization by the United States of America military officers. However, this scandal came to light in 2004 when photos depicting the abuse were leaked to journalists which includes photographs and videos of naked male detainees forced to act like they were having sex in the prison, compelling the detainees who are men to dress in women attires, while male military personnel sexually abused the women who are under incarceration with the aid of military dogs as a measure of scaring the prisoners of war in order to achieve their sexual exploitations. Also, there were pictures of female military officers holding the muzzle a naked male detainee was chained with, rubbing excreta and urinating on their faces and bodies,

[21] Roman Movchan and others, 'Combating Commodity Smuggling in Ukraine: In Search of the Optimal Legislative Model', *Revista Amazonia Investiga*, 10.47 (2021), 142–51. https://doi.org/10.34069/ai/2021.47.11.14.

[22] Saadat Ali Nadeem and others, 'Exploring the Role of Non-International Armed Conflict within the Framework of International Humanitarian Law', *Pakistan Journal of Criminal Justice*, 3.1 SE-Articles (2023), 90–100. https://doi.org/10.62585/pjcj.v3i1.54.

taking pictures of dead detainees as well as chaining them to the cell gates in very uncomfortable positions, and many other degrading acts. Suffice it to say that, in spite of the above achievements of the guidelines, it must be emphasized that the entire framework on unjustified treatment on human persons has witnessed some failures like the absence of universal adherence as a result of the fact that not all countries have ratified or fully implemented the GCs. Be that as it may, it must be stated that the resultant effects of non-ratification of the GCs by some Countries is that there will be continued subjections of individuals to all manners of torture. However, seventy years later, the Geneva Conventions are still regarded as veritable instruments prohibiting acts of torture.[23]

At this juncture, it must be stated that this regulatory regime amongst other provisions, enjoined member States to take appropriate measures capable of eliminating torture against the civilian populations in situations of armed hostilities.

3.3. Regulatory Regimes of International Human Rights Law (IHRL) on Torture

3.3.1. United Nations Convention Against Torture (UNCAT) 1984

UNCAT arose because of the compelling need for States to observe and respect the constitutional rights along with freedoms of human persons in the society. This regulatory framework emerged as a follow up to the global declaration on safety and security of all individuals from all forms of dehumanizing and ill-treatment that may be injurious to them whether in situations of war or peace.[24] The concern of this paper is to examine the adequacies of the regulatory regime of UNCAT in situations of armed hostilities. It must be emphasized that the compelling need for safety and security of all persons led to the adoption of UNCAT in December 10th 1984, and in June 26th 1987 it became operative as a general rule of applications amongst contracting parties with 83 signatories and 173 State Parties. A more pertinent issue however is to examine whether the persistent unjustifiable treatments on the civilian populations during armed hostilities has now been sufficiently addressed by the regulatory regime of UNCAT. However, Article 1 of UNCAT identifies elements that constitutes dehumanizing conditions along with the restrictions on dehumanizing conditions regarded as customary norms under the Law of Nations.[25]

Pursuant to the provisions Article 2 of UNCAT, "Contracting parties are obliged to adopt any measure either by way of legislations, policymaking, interpretations of regulations, or other similar measures capable of preventing dehumanizing treatments within its region. It is important to note that UNCAT specifically incorporates the involvement of public officials in acts of torture, making the provisions particularly applicable in times of warfare. According to the provisions of Article 16, a contracting party should ensure that it prohibits in its region any dehumanizing treatments or conditions likely to be an aggressive action that contravenes the provisions of Article I. This implies that whether such act of torture is committed by or

[23] Patricia Viseur Sellers and Jocelyn Getgen Kestenbaum, 'Missing in Action: The International Crime of the Slave Trade', *Journal of International Criminal Justice*, 18.2 (2020), 517–42. https://doi.org/10.1093/jicj/mqaa012.

[24] Peter Gill, 'Twenty Years on: Intelligence and Security Committee and Investigating Torture in the "War on Terror"', *Intelligence and National Security*, 38.5 (2023), 799–815. https://doi.org/10.1080/02684527.2023.2178606.

[25] Michelle Jurkovich, 'What Isn't a Norm? Redefining the Conceptual Boundaries of "Norms" in the Human Rights Literature', *International Studies Review*, 22.3 (2020), 693–711. https://doi.org/10.1093/isr/viz040.

with the approval of or knowledge of a government agency or such persons acted in a representative capacity will not change what amounts to torture. The importance of identifying this and making further clarifications on it is of fundamental importance for the purpose of prosecution. It should be noted that implementation of UNCAT is monitored by a committee of 10 autonomous persons, acting within their powers or persons acknowledged as experts in human rights. Article 17 of UNCAT provides for their election for a term of four years. The Committee Against Torture examines recommendations or proposals presented by different contracting parties, considers individual along with inter-state complaints and undertakes inquiries.[26]

Again, it must be emphasized that Optional Protocol to UNCAT stated that contracting parties should realize the essence of additional measures were necessary to fulfil the aims of UNCAT and strengthened the safety along with the security of individuals from any form of dehumanizing treatments. Article 1 states that the whole essence of Optional Protocol to UNCAT is to provide a framework that is capable of assessing the steps taken by the separate agencies with respect to issues arising from the violations of personal liberty of a person as the case may be. Advancing on this, Article 2 proposes the establishment of Subcommittee on Prevention of Torture that will collaborates with other agencies at the execution stage of the Protocol.[27]

3.3.2. United Nations Declaration on Human Rights (UDHR) 1948

This is construed as a foundation upon which other human rights treaties evolved. Drawing from the provisions of Article 5: "No human persons should be made to undergo any dehumanizing treatments or conditions". In a similar vein, Article 5 thus acts as an unqualified prohibition of any dehumanizing behavior in any form of conditions. In addition, the paper observed that the restrictions placed on dehumanizing treatments of persons as contained in UDHR thus serves as a remembrance of the reprisal attacks on the Nazi Redemption camps along with Nazi Health test on individuals who inspired the framers of the UDHR. Furthermore, as a result, the principle of global applications which applies to grievous offences like torture prescribed for modes of prosecuting and convicting suspects anywhere in the world. For instance, the son of the former President of Liberia serving a 97-year sentence in the US for an act of dehumanization along with similar human rights abused committed in his home State is an illustrative case. Explicitly stated, the regulatory regime of UDHR emerged to address several cases of torture.

Torture, an act of dehumanization of an individual, has remained an intractable problem over the years and has become a practice in several jurisdictions of the world. The prohibition of torture has been widely advocated ever since the adoption of the UDHR in 1948. The provisions on abrogation of dehumanizing treatments are found in several global regulations and guidelines on International Human Rights Law (IHRL) along with IHL and have been viewed as guidelines for Law of Nations. However, this guidelines on restrictions on dehumanizing treatments is designed to carry special recognitions in Law of Nations, or *jus cogens*, regarded as 'peremptory norm' of Law of Nations which has binding effects on

[26] Tobias Kelly, 'The Struggle Against Torture: Challenges, Assumptions and New Directions', *Journal of Human Rights Practice*, 11.2 (2019), 324–33. https://doi.org/10.1093/jhuman/huz019.

[27] Belinda Liddell and others, 'The Impact of Torture on Interpersonal Threat and Reward Neurocircuitry', *Australian & New Zealand Journal of Psychiatry*, 55.2 (2020), 153–66. https://doi.org/10.1177/0004867420950819.

contracting parties notwithstanding the fact that they are yet to ratify or have ratified similar guidelines.[28]

Further, in the year 1948, considering the terrible abuses of World War II, the UNGA made restrictions on dehumanizing treatments as an integral part of the UHDR. From the provisions of Article 5, there is a restriction placed on dehumanizing treatments and other similar cases of mal-treatment, and this has continued to form part of the global, regional and national human rights regulations. 29 Progressively, and by extension, Article 7 of International Covenant on Civil and Political Rights (ICCPR), and UNCAT signed by 136 Countries, inclusive of the United States of America in 1994 also emphasized on issues of torture. In the same vein, the European Convention on Human Rights (ECHR) also adopted it as well as the African Commission on Human and Peoples' Rights (ACHPR).[30]

3.3.3. International Covenant on Civil and Political Rights (ICCPR) 1966

This Covenant also took a bold step in redressing issues of dehumanizing treatment of human persons by certain individuals acting for themselves or on behalf of government or it's agencies. Therefore, it should be noted that the UNHRC at its Geneva Convention No. 20 replaced its earlier general comment on Article 7 and further developed same. The Council restarted that the primary objective of Article 7 was to safeguard human value from any form of emotional or physical attacks that are unjustifiable. It further provides that the wordings of Article 7 do not approve of restrictions and "even in times of exigencies where such references are made in Article 4 of ICCPR, i.e. "no restrictions should arise from any conditions arising from the provisions of Article 7 as the provisions remained in force." In addition, the Council observed that pardon regarding dehumanizing treatments is basically inconsistent with States responsibilities in guaranteeing freedom from dehumanizing conditions. This suggests that in situations of warfare, States will attempt to invoke doctrine of military expedients in justifying acts of dehumanization. A cursory look at Article 10 of ICCPR appears that it seems to emphasize on the protection of individuals from torture in warfare as it states as follows: "Every individual denied of his freedom should be treated humanely regardless of his identity in so far as there is respect for human dignity which is inherently in all human persons as the case may be."[31]

Furthermore, the above provisions of the Covenant were examplified in the case of Mukong v. Cameroon, where Albert Mukong was inhumanely treated and meant to faced emotional dehumanizing treatments after his arrest. These inhumane treatments were seen as gross abuse of the provisions of Articles 7, 9, 12 and 14 of ICCPR as complained by Mukong. Despite Mukong's claims of unjustifiable treatments, the State strongly denied these violations and argued that his arrest had been necessary to safeguard national security, as allowed under Article 19(3) of the ICCPR. However, the United Nations Human Rights Council (UNHRC) in

---

[28] Courtenay R Conrad, Daniel W Hill, and Will H Moore, 'Torture and the Limits of Democratic Institutions', *Journal of Peace Research*, 55.1 (2017), 3–17. https://doi.org/10.1177/0022343317711240.

[29] An Interview with Andrew Clapham, 'Thinking Beyond the Offence of Torture', *Journal of International Criminal Justice*, 19.2 (2021), 439–46. https://doi.org/10.1093/jicj/mqab017.

[30] Courtenay R Conrad, Jillienne Haglund, and Will H Moore, 'Torture Allegations as Events Data: Introducing the Ill-Treatment and Torture (ITT) Specific Allegation Data', *Journal of Peace Research*, 51.3 (2014), 429–38. https://doi.org/10.1177/0022343314524427.

[31] Anggita Doramia Lumbanraja and Yusriyadi, 'The Urgency to Reform the Kafāla System in the Sake of Human Rights of Indonesia Domestic Workers', *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan*, 21.2 (2021), 213–30. https://doi.org/10.18326/IJTIHAD.V21I2.213-230.

its submission maintained that such allegations bordering on dehumanizing treatments as alleged occurs during Mukong's detention and constitutes cruelty, inhumane and dehumanizing conditions that amounts to an abused of ICCPR provisions of Article 7.[32]

3.4. Regulatory Regimes of International Criminal Law on Torture

ICL codified bodies of regulations that interprets what amounts to global offences arising from acts of genocidal nature, criminal wrongs committed during warfare; criminal wrongs committed against human persons, along with that committed because of provocations. It also provides the procedural guidelines applicable at the global Courts or Tribunals. ICL as another regulatory regime primarily is not specifically concern with States conducts, but rather on individual criminal responsibilities.[33] ICL is a body of Public International Law (PIL) that focused on the culpability of an individual for a grievous offence committed that amounted to a serious abused of Law of Nations. Also, it provided for what amounts to personal criminal liability over a crime of global nature noted as criminal wrongs committed during warfare's, criminal wrongs committed against human persons, genocidal wrongs, along with provocative offences. Aside from classifications made on the nature or forms of crimes, ICL furthermore, criminalizes most grievous offences of human rights and IHL as well as provided guidelines for the prosecution of crime offenders in line with the rules of Court.[34]

The present ICL framework performs its responsibilities through global Tribunals constituted either on temporal, collaborative or hybrid basis and as well through ICC, or national courts. One notable legal consequence of drafting a regulation for a global criminal wrong is that it may likely result to issues of what may be termed is universal jurisdiction in terms of applications. In line with the guidelines on global jurisdictions, the paper observed that States are permitted to prosecute a crime offender over an alleged global crime committed, irrespective of the fact that there was no existing nexus between the offender and the State party having jurisdictional powers to exercise.[35] Under ICL, dehumanizing treatments are defined to comprised of acts particularly designed to cause grievous bodily harm or emotional pains or trauma to an aggrieved party. Similarly, from a legal point of view, the term "dehumanizing treatments" applies to a concept used to explain an intentional act aimed at inflicting both physical and emotional pain or trauma on human person. It may be argued that the above understanding of dehumanizing treatments primarily interrogates the dispositions of the crime offender whose actions are significant in arriving at a definite interpretation of the concept in the Law of Nations. On the face of it, dehumanizing treatment is said to be an act perpetrated by a person which resulted to an injury, pains or trauma on the aggrieved person

[32] Tetyana M Vakhoneva and others, 'Legal Challenges to the Protection of Labor Rights of Refugees in the Digital Age', *Legality : Jurnal Ilmiah Hukum*, 31.2 SE-Journal's Articles (2023), 245–65. https://doi.org/10.22219/ljih.v31i2.26576.

[33] Sefriani Sefriani and others, 'The Conundrum to Wear Religious Uniform in Indonesia : International Human Rights Law and Islamic Law Perspective', *Journal of Indonesian Legal Studies*, 9.1 (2024), 31–62. https://doi.org/10.15294/jils.vol9i1.4532.

[34] I. Gede Adhi Mulyawarman, Putu Gede Arya Sumerta Yasa, and Lamberton Cait, 'Blocking Dangerous Content in Electronic Communications Networks: Evidence from Netherlands, United States and Singapore', *Journal of Human Rights, Culture and Legal System*, 4.1 (2024), 237–62. https://doi.org/10.53955/jhcls.v4i1.216.

[35] Rachel Georghea Sentani and Mathijs ten Wolde, 'The Legal Policy of Executability in the International Arbitral Tribunal Decision', *Bestuur*, 9.2 (2021), 144–55. https://doi.org/10.20961/bestuur.v9i2.54451.

who is in the hands of the perpetrators.

It must be emphasized that under ICL, dehumanizing treatments remained prohibited as well as under Customary International Law (CIL) regarded as jus cogens; that is, it has attracted high recognitions and acceptability in criminal law and remained the basis upon which other regulations or CLs (aside regulations which are also jus cogens). The paper revealed that criminal wrongs which are regarded as jus cogens operate within the framework of the global jurisdictions. This implies that contracting parties have the powers to exercise within their territorial boundaries, irrespective of the location where such criminal wrongs were perpetrated. More importantly, the United States of America Apex Court in one of its Decisions submitted that, "coercive acts could likely be an emotional or physical act and does not suggest that it is only the aggrieved person's blood that determines the extent of torture on the aggrieved party" as held in the matters of Miranda v. Arizona, Blackburn v. State of Alabama respectively. Furthermore, the positions in the above cited cases affirm that even acts of dehumanizing nature is closely connected to other notable acts such as unlawful detention and interrogations of individuals. Under ICL, the prevention of dehumanizing treatments is dependent on the overhauling of the criminal law jurisprudence bordering specifically on the judicial and legal guarantees focusing on detention matters or judicial remedies for aggrieved parties whose rights are grossly abused. It may be argued that an effective criminal justice system entails accountability of all perpetrators for the acts committed against an aggrieved person. In this sense, it does not matter about the status of the crime offender who was engaged in the commission of the offence. Much as there are obligations under global, regional or national levels of governance, the applications of dehumanizing treatments as a means of getting information necessary for the safety of the Country from an aggrieved party done against the interest of such party by an individual, agents of government or Non-State Armed Groups (NSAGs) have been viewed as a violation of the existing regulations. However, in practice, ICL regulates or monitors the act of dehumanizing treatments through the underlisted regulatory regimes.

3.4.1. Rome Statute of International Criminal Court (ICC)

This is one of the regulatory frameworks of ICL that provided what amounts to physical along with emotional dehumanizing conditions in its interpretations upon which it has jurisdictions to exercise in situations of violations. In accordance with the powers vested in the court by virtue of Article 7(e) Statute of ICC, deliberate actions which resulted to ill-treatment on an aggrieved party under the custody of another is said to be a crime against humanity, and it does not matter whether such commission was done to achieve a particular objective. Similarly, such an act may be viewed as a war crime when such commission was done in situations of military warfare. In order words, it implies that war crimes also include humiliating treatment on one's dignity and as well as inhumane treatments that are not regarded as dehumanizing treatments on the face of it. Further, under the Rome Statute of ICC dehumanizing actions are treated as criminal wrongs committed against humanity and may be adjudicated at ICC.[36] It should be noted that one of the major sources of ICL is the RS which created the ICC. In prosecution of criminal matters at the global levels, ICC assumed jurisdiction over the prosecution of criminal matters before it and has tremendously done well with respect to its adjudications of disputes in an effective manner. It remained a notable

[36] Ninda Soraya, Ali Muhammad, and Suyatno Ladiqi, 'ICC Jurisdiction: Against Israeli War and Humanitarian Crimes Targeting Palestinian Civilians 2023', *Jurnal Media Hukum*, 31.1 (2024), 59-77. https://doi.org/10.18196/jmh.v31i1.20938.

permanent supranational Court vested with the adjudicatory powers to prosecute atrocious crimes committed in war situations, and it commenced sittings in 2002. It may be argued that, While ICC's powers of prosecution are limited by certain requirements, it was created to entertained atrocious crimes around the globe at all material times.37In keeping with this mandate, the ICC is empowered to commenced investigation and prosecution of any person over an alleged war crime as contained in Articles 5 to 8 of the RS. In Prosecutor v. AI Hassan Ag Adoul Aziz Ag Mohammed Ag Mahmoud, the ICC convicted Mr. AI Hassan of the crimes against humanity of torture, persecution, and another inhumane act.

3.4.2. International Criminal Tribunals (ICTs)

Another ICL regulatory body is the ICTs which its primary objective is to investigate as well as to prosecute persons who are in serious abused of ICL or IHL in situations arising from war crimes, genocidal crimes, along with crimes against humanity in such situations where national bodies are incapacitated or reluctant in doing so. It may be noted that this Tribunals are set up through a multilateral global consensus or through a consensus between a particular contracting party and inter-governmental organizations.[38]

Therefore, as an effort geared towards dispositions of all pending criminal matters, the international community established other criminal tribunals that specifically focused on matters with time allocated for its adjudication over the matters. For instance, International Criminal Tribunal for Rwanda (ICTR), International Military Tribunal for the Far East (Tokyo Trials), International Criminal Tribunal for the Former Yugoslavia (ICTY), Nuremberg Tribunals, and International Residual Mechanism for Criminal Tribunals (IRMCT) created by the United Nations Security Council (UNSC) in 2010. All these Tribunals are empowered by statute to apprehend and prosecute persons indicted over a particular crime who absconded. While it is undisputed that ICTR was established in line with the UNSC Res. 955 of November 8, 1994, and was charged with the responsibilities of prosecuting individuals accused of committing genocide in Rwanda, it is not out place to state that it brought huge gains in prosecutorial matters. However, this Tribunal commenced sittings in Arusha, Tanzania in 1995, because of the Rwandan genocide that gave rise to several death of hundreds of thousands of Rwandans through an orchestrated act of government that incited the Country's majority ethnic group to attack the minority groups. The ICTR's jurisdiction was limited to acts of genocide, war crimes, and crimes against humanity, as contained in the Statute establishing it. Also, the ICTR's Statute along with the Rules of Procedure and Evidence provided a substantive and procedural norms applicable to its operations.[39]

Similarly, on the part of the International Residual Mechanism for Criminal Tribunals (IRMCT), this tribunal was saddled with the responsibilities of searching and as well as apprehending accused persons who absconded from arrest and trials. Further, IRMCT hears appeals against judgments and sentences issued by the ICTR, ICTY, or IRMCT; reviewing

---

[37] Chioryne Dewi, 'ICC and ASEAN: Weakening or Strengthening National Criminal Justice System?', *PADJADJARAN Journal of Law*, 6.2 (2019), 407–26. https://doi.org/10.22304/pjih.v6n2.a10.

[38] Benjamin J Appel, 'In the Shadow of the International Criminal Court: Does the ICC Deter Human Rights Violations?', *Journal of Conflict Resolution*, 62.1 (2016), 3–28. https://doi.org/10.1177/0022002716639101.

[39] Nathalie Allen, Leonor Díaz Córdova, and Natalie Hall, '"If Everyone Is Thinking Alike, Then No One Is Thinking": The Importance of Cognitive Diversity in Arbitral Tribunals to Enhance the Quality of Arbitral Decision Making', *Journal of International Arbitration*, 2021, 601–28. https://doi.org/10.54648/JOIA2021029.

judgments based on new facts; conducting retrials; as well as managing investigations along with Court proceedings in alleged cases of contempt of court, false testimonies; monitoring of cases referred to national courts; aggrieved parties and witnesses protections; supervisions of the enforcement of sentences including deciding requests for pardon, commutation, or early release; assisting national authorities in relevant prosecutions; and maintaining the ICTR, ICTR, and IRMCT archives.

3.4.3. Hybrid Tribunals

The global community has also collaborated with national governments in establishing "globalized" or "hybrid" tribunals charged with the responsibilities of prosecuting global offences. These Tribunals operates exclusively within the national judicial system or have been created through a consensus between the UNs and the national governments, and as such, their personnel along with judicial arrangements will be based on national or global spread. Some instances are as follows: Extraordinary Chambers in the Courts of Cambodia, Regulation 64 Panels of Kosovo; Serious Crimes Panels of the District Court (East Timor); Special Tribunal for Lebanon; Special Court for Sierra Leone; The Iraqi Special Tribunal; Scottish High Court of Judiciary; Special Department for Adjudicating in Trials Against Perpetrators of War Crimes of the Belgrade District Court (Serbia), and War Crimes Chamber of the Court of Bosnia and Herzegovina.

Based on the nature of Hybrid Tribunals, sometimes its applicable regulations are domestic, while the rules or procedures that regulate its mode of operations are those applicable to International Tribunals. In other words, it operates independently outside the domestic jurisdiction such as the type of Tribunals mentioned above. Moreso, much as Hybrids Tribunals continued to be impactful on both national and international jurisprudence, it has oftentimes been criticized for not being able to prosecute a reasonable number of perpetrators involved in the commission of crimes.[40]

4. Conclusion

The findings of this paper show that the various regulatory regimes on prohibitions of torture in situations of armed hostilities have done greatly in terms enforcement and prosecution in line with the statutory provisions. The paper also reveals that a combination of extant norms and frameworks of IHL, IHRL and ICL offers the most promising path to developing a protective regime in respect of torture in situations of warfare. Further, an assessment of the performance of the regulatory regimes governing torture in situations of warfare demonstrates a high level of regulatory performance. This includes issues of accountability and impartiality that have been manifested in times of prosecution. By virtue of the cumulative effects of the regulatory regimes of IHL, IHRL and ICL on prevention of and prosecution of torture in warfare's, the ICC and other Tribunals set up for this purpose must be bold and purposive in its interpretation of treaties and other legal or human rights standards for effective protection and prosecution of offenders. Conversely, despite the performances of the regulatory regimes, it has been severally criticized for one reason or the other which is likely to put its legality into question. Some of these challenges stems from weak records of prosecution, unnecessary

[40] Robert Kosho Ndiyun, 'The Special Criminal Court and the Challenge of Criminal Accountability in the Central African Republic', *SN Social Sciences*, 3.9 (2023), 147. https://doi.org/10.1007/s43545-023-00733-4.

disagreements amongst the judges of the Tribunals or Courts, and an unfriendly relationship existing amongst the world's superpowers which most times affects the enforcement of the rules or decisions of the Courts or Tribunals.

In addition, the binding nature, finality and enforceability of the Court's judgment in this regard should not end up as a mere academic exercise. The paper observed that the main argument is that poor regulatory governance, lack of regulatory capabilities in monitoring or addressing cases of torture are behind the high level of cases of torture in warfare. The paper proposes some recommendations capable of addressing the challenges. Firstly, as torture may be committed remotely, the establishment and use of technology to monitor or prevent cases of torture should be encouraged since it is geared towards the prosecution of the offender. Secondly, to achieve a complete eradication of torture in situations of warfare, State parties and their national Courts are required to adopt purposive interpretations and inclusions of torture in their respective national laws. This would impose a duty on the government to provide adequate protection and security for civilian populations. Thirdly, criminal penalties on issues of torture should be reconsidered. Fourthly, the difficulty in combining domestic and global elements in the adjudicatory processes of some of the Tribunals should be resolved to achieve a successful interplay. Fifthly, as far as torture is concerned in situations of armed hostilities, it must also be explicitly stipulated that National Human Rights Institutes (NHRIs) in all Countries be allowed to monitor detention facilities. Sixthly, it is submitted that educating the public about the prohibitions and prevention of torture will serve as an important preventive measure. Finally, strict adherence to the recommendations made by the paper will strengthen protection of civilian populations from torture and as well enhanced the enforcement strategies of the regulatory regimes against the prohibitions of torture in situations of armed hostilities.

References

Akande, Dapo, and Emanuela-Chiara Gillard, 'Conflict-Induced Food Insecurity and the War Crime of Starvation of Civilians as a Method of Warfare: The Underlying Rules of International Humanitarian Law', *Journal of International Criminal Justice*, 17.4 (2019), 753–79. https://doi.org/10.1093/jicj/mqz050.

Allen, Nathalie, Leonor Díaz Córdova, and Natalie Hall, '"If Everyone Is Thinking Alike, Then No One Is Thinking": The Importance of Cognitive Diversity in Arbitral Tribunals to Enhance the Quality of Arbitral Decision Making', *Journal of International Arbitration*, 2021, 601–28. https://doi.org/10.54648/JOIA2021029.

Appel, Benjamin J, 'In the Shadow of the International Criminal Court: Does the ICC Deter Human Rights Violations?', *Journal of Conflict Resolution*, 62.1 (2016), 3–28. https://doi.org/10.1177/0022002716639101.

Brosché, Johan, Desirée Nilsson, and Ralph Sundberg, 'Conceptualizing Civil War Complexity', *Security Studies*, 32.1 (2023), 137–65. https://doi.org/10.1080/09636412.2023.2178964.

Clapham, An Interview with Andrew, 'Thinking Beyond the Offence of Torture', *Journal of International Criminal Justice*, 19.2 (2021), 439–46. https://doi.org/10.1093/jicj/mqab017.

Conrad, Courtenay R, Jillienne Haglund, and Will H Moore, 'Torture Allegations as Events

Data: Introducing the Ill-Treatment and Torture (ITT) Specific Allegation Data', *Journal of Peace Research*, 51.3 (2014), 429–38. https://doi.org/10.1177/0022343314524427.

Conrad, Courtenay R, Daniel W Hill, and Will H Moore, 'Torture and the Limits of Democratic Institutions', *Journal of Peace Research*, 55.1 (2017), 3–17. https://doi.org/10.1177/0022343317711240.

Dewi, Chioryne, 'ICC and ASEAN: Weakening or Strengthening National Criminal Justice System?', *PADJADJARAN Journal of Law*, 6.2 (2019), 407–26. https://doi.org/10.22304/pjih.v6n2.a10.

Donaldson, Megan, 'Peace, War, Law: Teaching International Law in Contexts', *International Journal of Law in Context*, 18.4 (2022), 393–402. https://doi.org/10.1017/S1744552322000350.

Friedman, Rebekka, and Hanna Ketola, 'Violations of the Heart: Parental Harm in War and Oppression', *Review of International Studies*, 50.2 (2024), 393–412. https://doi.org/10.1017/S0260210523000499.

Gaeta, Paola, '"Another Step in What It Means to Be Human" — Prohibition v. Criminalization of Torture as a Private Act', *Journal of International Criminal Justice*, 19.2 (2021), 425–38. https://doi.org/10.1093/jicj/mqab032.

Gill, Peter, 'Twenty Years on: Intelligence and Security Committee and Investigating Torture in the "War on Terror"', *Intelligence and National Security*, 38.5 (2023), 799–815. https://doi.org/10.1080/02684527.2023.2178606.

Gunawan, Yordan, Muhamad Haris Aulawi, Rizaldy Anggriawan, and Tri Anggoro Putro, 'Command Responsibility of Autonomous Weapons under International Humanitarian Law', *Cogent Social Sciences*, 8.1 (2022), 2139906. https://doi.org/10.1080/23311886.2022.2139906.

Gunawan, Yordan, and Mhd. Ervizal Rizqy Pane, 'Responsibility for Excessive Infrastructure Damage in Attacks: Analyse Ing Russia' s Attack In Ukraine', *PETITA: Jurnal Kajian Ilmu Hukum Dan Syariah*, 9.1 (2024), 212–31. https://doi.org/10.22373/petita.v9i1.224.

Gunawan, Yordan, Yasir Perdana Ritonga, Mita Amelia, Siti Septiana K. Harun, and Nisa Nurhofipah Ramadani, 'Does the Protection of Minority Groups in Xinjiang Fail?', *Sriwijaya Law Review*, 4.2 (2020), 205–20. https://doi.org/10.28946/slrev.Vol4.Iss2.432.pp205-220.

Gunawan, Yordan, Ghiyats Amri Wibowo, and Mohammad Hazyar Arumbinang, 'Foreign Fighters in the Ukrainian Armed Conflict: An International Humanitarian Law Perspective', *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi*, 6.2 (2023), 145–57. https://doi.org/10.24090/volksgeist.v6i2.9315.

Jacob, Cecilia, 'Regulatory Contestation: Steering toward Consistency in International Norm Implementation', *International Studies Review*, 23.4 (2021), 1349–69. https://doi.org/10.1093/isr/viab008.

Jurkovich, Michelle, 'What Isn't a Norm? Redefining the Conceptual Boundaries of "Norms" in the Human Rights Literature', *International Studies Review*, 22.3 (2020), 693–711.

https://doi.org/10.1093/isr/viz040.

Kelly, Tobias, 'The Struggle Against Torture: Challenges, Assumptions and New Directions', *Journal of Human Rights Practice*, 11.2 (2019), 324–33. https://doi.org/10.1093/jhuman/huz019.

Kotecha, Birju, 'The International Criminal Court's Selectivity and Procedural Justice', *Journal of International Criminal Justice*, 18.1 (2020), 107–39. https://doi.org/10.1093/jicj/mqaa020.

Liddell, Belinda, Gin S Malhi, Kim L Felmingham, Jessica Cheung, Tim Outhred, Pritha Das, and others, 'The Impact of Torture on Interpersonal Threat and Reward Neurocircuitry', *Australian & New Zealand Journal of Psychiatry*, 55.2 (2020), 153–66. https://doi.org/10.1177/0004867420950819.

Lumbanraja, Anggita Doramia, and Yusriyadi, 'The Urgency to Reform the Kafāla System in the Sake of Human Rights of Indonesia Domestic Workers', *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan*, 21.2 (2021), 213–30. https://doi.org/10.18326/IJTIHAD.V21I2.213-230.

Mimiko, Moruf O, Olaposi A Olaseeni, and Akin Olawale Oluwadayisi, 'Unresolved Jurisprudence of Crime against Humanity under Article 7 of the Rome Statute of the International Criminal Court', *Beijing Law Review*, 7.4 (2016), 420–29. https://doi.org/10.4236/blr.2016.74033.

Mohamed Hassan, Samia Awad, and Somia Abdelrhman Mohamed Ali, 'Limitations On Warfare Methods: A Brief Examination Under International Humanitarian Law', *Journal of Advances in Humanities Research*, 2.4 (2023), 1–19. https://doi.org/10.56868/jadhur.v2i4.189.

Movchan, Roman, Oleksandr Dudorov, Andrii Vozniuk, Vitalii Areshonkov, and Yuriy Lutsenko, 'Combating Commodity Smuggling in Ukraine: In Search of the Optimal Legislative Model', *Revista Amazonia Investiga*, 10.47 (2021), 142–51. https://doi.org/10.34069/ai/2021.47.11.14.

Mulyawarman, I. Gede Adhi, Putu Gede Arya Sumerta Yasa, and Lamberton Cait, 'Blocking Dangerous Content in Electronic Communications Networks: Evidence from Netherlands, United States and Singapore', *Journal of Human Rights, Culture and Legal System*, 4.1 (2024), 237–62. https://doi.org/10.53955/jhcls.v4i1.216.

Ndiyun, Robert Kosho, 'The Special Criminal Court and the Challenge of Criminal Accountability in the Central African Republic', *SN Social Sciences*, 3.9 (2023), 147. https://doi.org/10.1007/s43545-023-00733-4.

Nicolás Gonzálvez-Gallego, and Concepción María Pérez-Cárceles, 'Cryptocurrencies and Illicit Practices: The Role of Governance', *Economic Analysis and Policy*, 72.1 (2021), 203–12. https://doi.org/10.1016/j.eap.2021.08.003.

Pottle, Émilie, 'What Is Torture? Making the Case for Expanding the Definition to Include Private Individuals as Perpetrators', *Journal of International Criminal Justice*, 19.2 (2021), 407–13. https://doi.org/10.1093/jicj/mqab030.

Saadat Ali Nadeem, Muhammad Faisal, Muhammad Muneeb Raza, and Ishfaq Ahmad,

'Exploring the Role of Non-International Armed Conflict within the Framework of International Humanitarian Law', *Pakistan Journal of Criminal Justice*, 3.1 SE-Articles (2023), 90–100. https://doi.org/10.62585/pjcj.v3i1.54.

Safdar, Muhammad Asif, Saadat Ali Nadeem, Syed Muhammad Wafa Abbas Gilani, and Prof. Dr. Rao Imran Habib, 'A Comprehensive Review of ICRC's Role in Promoting the Applicability of International Humanitarian Law', *Pakistan Journal of Criminal Justice*, 3.1 SE-Articles (2023), 81–89. https://doi.org/10.62585/pjcj.v3i1.40.

Salmón, Elizabeth, and Juan-Pablo Pérez-León-Acevedo, 'Reparation for Victims of Serious Violations of International Humanitarian Law: New Developments', *International Review of the Red Cross*, 104.919 (2022), 1315–43. https://doi.org/10.1017/S1816383122000297.

Sefriani, Sefriani, Yaries Mahardika Putro, Jaya Indra, Santoso Putra, Seguito Monteiro, Universitas Islam Indonesia, and others, 'The Conundrum to Wear Religious Uniform in Indonesia : International Human Rights Law and Islamic Law Perspective', *Journal of Indonesian Legal Studies*, 9.1 (2024), 31–62. https://doi.org/10.15294/jils.vol9i1.4532.

Sellers, Patricia Viseur, and Jocelyn Getgen Kestenbaum, 'Missing in Action: The International Crime of the Slave Trade', *Journal of International Criminal Justice*, 18.2 (2020), 517–42. https://doi.org/10.1093/jicj/mqaa012.

Sentani, Rachel Georghea, and Mathijs ten Wolde, 'The Legal Policy of Executability in the International Arbitral Tribunal Decision', *Bestuur*, 9.2 (2021), 144–55. https://doi.org/10.20961/bestuur.v9i2.54451.

Soraya, Ninda, Ali Muhammad, and Suyatno Ladiqi, 'ICC Jurisdiction: Against Israeli War and Humanitarian Crimes Targeting Palestinian Civilians 2023', *Jurnal Media Hukum*, 31.1 (2024), 59-77. https://doi.org/10.18196/jmh.v31i1.20938.

Uwa, Osimen Goddy, and Moyosoluwa Dele- Dada, 'The Geneva Convention on Laws of War and the Sudan Armed Conflict', *International Journal of Social Service and Research*, 3.7 (2023), 1606–23. https://doi.org/10.46799/ijssr.v3i7.466.

Vakhoneva, Tetyana M, Dmytro A Mykolayets, Yuliya M Hryshyna, Viktoriia V Yurovska, and Olha A Dyachenko, 'Legal Challenges to the Protection of Labor Rights of Refugees in the Digital Age', *Legality : Jurnal Ilmiah Hukum*, 31.2 SE-Journal's Articles (2023), 245–65. https://doi.org/10.22219/ljih.v31i2.26576.

Verity Robson, 'The Common Approach to Article 1: The Scope of Each State's Obligation to Ensure Respect for the Geneva Conventions', *Journal of Conflict and Security Law*, 25.1 (2020), 105–15. https://doi.org/10.2991/aebmr.k.200321.040.

Watkins, Hanne M, 'The Morality of War: A Review and Research Agenda', *Perspectives on Psychological Science*, 15.2 (2020), 231–49. https://doi.org/10.1177/1745691619885872.