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International Criminal Responsibility for War Crimes in The Context of Contemporary Conflicts

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Abstract

The issue of international criminal responsibility for war crimes has become increasingly significant in the context of contemporary conflicts, characterized by complex forms of violence, the involvement of non-state actors, hybrid warfare, cyber operations, and widespread violations of international humanitarian law. This paper examines the legal framework governing the prosecution of war crimes under international criminal law, focusing on the principles established by the Geneva Conventions, customary international law, and the statutes of international criminal tribunals, particularly the International Criminal Court. The study analyzes the elements of individual criminal responsibility, including direct perpetration, command responsibility, aiding and abetting, and joint criminal enterprise, highlighting their relevance in modern armed conflicts.

Special attention is given to recent conflicts that have generated allegations of war crimes, demonstrating the challenges faced by international judicial institutions in ensuring accountability and combating impunity. The paper explores the difficulties associated with evidence collection, jurisdictional limitations, political interference, and the enforcement of international arrest warrants. Furthermore, it evaluates the effectiveness of existing international mechanisms in addressing violations committed by both state and non-state actors.

The research emphasizes that accountability for war crimes is essential not only for delivering justice to victims but also for strengthening the rule of law and contributing to international peace and security. Despite significant developments in international criminal justice, persistent obstacles continue to hinder the effective prosecution of perpetrators. The paper concludes that enhancing international cooperation, strengthening judicial institutions, and ensuring consistent application of international humanitarian law are necessary steps toward improving the enforcement of international criminal responsibility in contemporary conflicts.

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