



AN appraisal of emerging international crimes

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Abstract

The ICC is a very powerful court which had been established in the international level to try serious crimes which jeopardize the entire global society at large. However the crimes which come under the ambit of the Rome Statute are tried in this court. This paper examines the nature of three of the most heinous crimes in the international arena, and the urgency to include them within the ambit of the ICC. The author hopes to achieve a consensus of opinion in this matter by the international community.

Keywords: ICC (International Criminal Court) UNCTOC (United Nations Convention against Transnational Organized Crime) UN (United Nations)

1. Introduction

Forty years ago, the world announced the war on drugs. Today failing to adequately control the effects of drug consumption for decades, serious problems have been found: violent drug smugglers have become immensely powerful and have taken over the industry. Governments have set up dozens of programs to end the drug industry, but they have only seen marginal success. However, the most effective strategy to implement now is universal legalization. The universal legalization of all drugs will attack the illegal drug market, will destroy the profit promotion for drug traffickers and put the control the industry in the hands of national governments. The legal potential to prosecute for human trafficking as a crime against humanity under the international criminal court has been examined. To understand the bar for the prosecution of human trafficking cases as crime against humanity under the ICC, the elements of crime against humanity has been applied to situations of the Rohingya minority in Southeast Asia. This paper particularly focuses on cases that categorised under enslavement drawing attention to the Article 7 of the Rome statute and to examine whether this situation particularly in Myanmar and Thailand is grave enough to be prosecuted under crime against humanity generally and trafficking in person.

2. Materials and Methods

The methodology to be used in this research is doctrinal. The nature of the work is analytical & descriptive. Opinions of research scholars, academicians and other experts who have dealt with this topic of study will play a major part in this work. The majority of information is being amassed from sources such as newspapers, policies and schemes of government, articles, journals, web resources.

3. Results

The final result of the research upholds the assumption of the author stating that there is urgent need for inclusion of the discussed crimes under the ambit of the Rome Statute.

4. Examining the following emerging transnational crimes Drug trafficking

Drug trafficking or also called as Illegal Drug that's used for trade, which includes all the process of farming, producing, distributing and selling of drugs. It is considered to be a worldwide black-market indulging in unfair means of drug trafficking and has been prohibited by law. Drug trafficking also applies to the illegal selling or transportation of prescription drugs, which has become an increasing problem in recent years. Drug trafficking is a worldwide business by finding its way in more dangerous ways than ever in growing economies, corrupting them and changing the future geo-political balance.

History

The history includes emerging illegal drug trading in China in early 19th century ^[1]. At that time Chinese were consuming opium and the number increased from four to twelve million people who were consuming it. Before it Chinese authorities issued edicts against opium smoking in 1729, 1796 and 1800. Though Chinese government put a ban in the import of opium as a result First Opium War broke out between United Kingdom and Qing Dynasty China. UK won the war and forced China to allow British merchants to sell opium that were grown in India. Starting of 21st century the world saw increasing demands of drug like marijuana, cocaine and hashish.

Current Legal Situation

According to the Department of Justice, the sale and manufacture of drugs accounts for almost one-fifth of all drug-related arrests in today's current scenario.

Ways of Drug Trafficking

Billions of capitals are invested and earned by the trafficking of drugs on a worldwide basis. United Nations Office on Drugs and Crime's World Drug Report 2005 estimates the size of global illicit drug market at US\$321

¹ "History of the Opium Trade in China". Druglibrary.org. Retrieved 8 October 2017.

billion in 2003 ^[2]. With this concept we can say its huge global market that needs well organized systematic way of operating Drug Trafficking which is carried on by-

- a. Communication- deals with how information is exchanged among drug suppliers, sellers, traffickers, users by means of telecommunications or middle man.
- b. Organization- relationship, grouping, operating hierarchy of drug traffickers. They can be independent individuals or groups.
- c. Movement- transportation of drug from one place to another by transportation like public vehicle, airlines (public or private), boats (public and private), rail, people, animal.
- d. Environment- place or location where drug trafficking occurs
- e. Transaction- dealing with drug package, price of drug. Drug may be sold openly or secretly.
- f. Security- protection of drug traffickers from offenders, law enforcement to operate freely. They use retaliation, intimidation, surveillance, armed guard, identification, etc.
- g. Motivation- drug trafficker involve in make a living and for survival, some to make large profits and to fund other unscrupulous activities.

Drug Trafficking as an Emerging International Crime

With the increasing demand of drugs in the worldwide market and increasing consumers makes drug trafficking one of the most reliable source of income in the world and thus more people are indulging in the same. Criminal networks traffic a series of drugs including cannabis, cocaine, heroin and methamphetamine. As international borders quickly become porous, access to global abuse is increasingly growing. This affects almost all countries, reduces political and economic stability, ruins the lives of individuals, and causes harm to communities. End-user and addicts are often victims of a powerful and manipulative business. Drug trafficking is often linked to various other forms of crime namely corruption or money laundering. Due to porous borders, evil states, weak immigration laws and a complex global transport infrastructure, there is a growing trend of cross-border criminal activity of exports and import of drugs. Drug trafficking is seen in the form of international in character and has very serious and harmful effects, and requires international cooperation ^[3]. Thus, drug trafficking along with its various methods are evolving continuously on a day to day basis and can be called as one of the most important emerging crimes which requires immediate explicit attention from the entire international community.

Drug Trafficking is Not a Crime against Humanity and thus is not under the Jurisdiction of the International Criminal Court.

Crimes against humanity is one of the major crimes which is included under the jurisdiction of the ICC but however there is no consensus regarding the nature of the crime of drug trafficking. There are states which argue that the formation of drug trafficking is an attack on “the health of all humanity,” and as a result “should be treated as a crime

against humanity” ^[4]. Whereas there are other states which have the view that this offense is under “crimes against peace” because it threatened the stability of states or put international relations in jeopardy thus it can be seen as a crime against peace ^[5].

The Rome Statute uses the phrase “directed against any civilian population” to specifically define actions within the definition of crimes against humanity. Drug trafficking, which encourages drug use and misuse, does not come under this definition. Thus, drug trafficking and associated crimes fail to meet the basic reasons to categorize them of crime against humanity because the crimes in this category “should be part of a government policy or a comprehensive or systematic practice of atrocities, which has been tolerated, or exonerated by a government or a real authority” ^[6]. However, the governmental policies only aim at suppressing the same. Therefore, drug trafficking cannot be classified under a crime against humanity and is thus not under the International Criminal Court.

Requirement of Inclusion of Drug Trafficking Under the Jurisdiction of the International Criminal Court

Currently, those responsible for drug trafficking and related crimes cannot be prosecuted in the International Criminal Court as it only has jurisdiction over the crimes involved in the Rome Statute ^[7]. Because drug trafficking is not among the crimes involved in the statute, it is outside the jurisdiction of the court. But the content of the Rome Statute are not impossible to change and can be amended at any time. The juridical provisions can be changed after the expiry of seven years from when the statute came into force or if such amendments are proposed by any member. The major aspiration to create an International Court such as the International Criminal Court was to try drug smugglers, and still, the consequences of that movement, the Rome Statute, denies the jurisdiction of the court to deal with the offense of drug trafficking.

Drug smugglers are smuggling with the intention of making money and harming civilians. Trafficking of drugs is a serious problem which remains a threat to both developed and developing nations of the world. Unfortunately, this leaves a big opening in international criminal law. While extensive academic literature and several factual evidences are devoted to the possibility of the International Criminal Court in investigating transnational organized the court itself has not given any indication that it is planning to take measures in this realm. This means that powerful criminal organizations have no authority that can effectively make them accountable regardless of the violence levels that are used by them. These criminal organizations are often too much to handle by the state institutions and thus there is the need of an international body which could adjudicate the matters effectively. Lack of accountability caters to the development and power of the cartels, which become so powerful that it is difficult for the states to effectively

⁴ Summary Records of the 2100th Meeting, 24 [1989] I Y.B. Int'l L.

Common 29, U.N. Doc. A/CN.4/SER.A/1989. It should be noted that these comments were made prior to the Rome Conference but after the release of the 1988 Draft Statute.

⁵ Report of the Forty-Second Session, supra note 67, 81.

⁶ Antonio Cassese International Criminal Law 64 (1st. ed. 2003)

⁷ Rome Statute of the International Criminal Court art. 5, July 17, 1998, 2187 U.N.T.S. 900, 37 I.L.M. 999 [hereinafter Rome Statute].

² World Drug Report 2005: Volume 1: Analysis (Report). United Nations Office on Drugs and Crime. p. 127. ISBN 92-1-148200-3.

³ Patel, supra note 41, at 711-17.

tackle.

Human Trafficking – focus on forced enslavement.

Human trafficking is challenging to define since it has endless components that form the crime and it is frequently confused with smuggling and illegal migration. But universally for all human trafficking, unlawful movement and confinement of one or more persons for exploitation by different means and methods^[8].

Defining human trafficking

The definition of human trafficking was conclusively settled in one of the protocols to the United Nations Convention against Transnational Organized Crime^[9] (UNTOC) in Italy in the year 2000. The definition was aided by cooperation of the states regarding the investigation and prosecution for human trafficking and providing protection and help to the victims of such crime considering their human rights.

One of the most controversial issues is the legislation regarding international human trafficking that defines the victim particularly if the victim has consented to be smuggled across the borders or has voluntarily agreed to be moved for reasons of work in industries. Since the definition of victims of human trafficking is also not defined, this is flexible and can be adaptable. The issue here being whether the victim's consent would eliminate him to be addressed under victims of human trafficking. Where, any means of consent by the victim is irrelevant as under Article 3(b) of Palermo Protocol^[10]; this provision also tries to differentiate traffickers where the migrants have consented to the smugglers or otherwise.

Even though there is overlap between human trafficking and migrant smuggling, there is extraordinary lawful difference between the two. Usually the migrant smuggling requires elements like movement across borders and occur within the territory of the state. It does not require element of ownership control nor exploitation which is not the case with human trafficking. The difference between these is crucial because largely the victims of such trafficking who have been smuggled through the borders are considered as voluntary illegal migrants. This is seen in the case of Rohingya refugees in Thailand where victims of human trafficking are considered as illegal migrants.

The most important element to establish the existence of human trafficking is the component of 'exploitation'. But the evidence of exploitation will not be sufficient to prove trafficking in person since exploitation for labour more often than not occur in backward societies without it being the situation of trafficking.

Characteristics of Human Trafficking

For a person to be prosecuted for human trafficking under crimes against humanity, certain elements of human trafficking as enslavement is it to be investigated to well-establish as a precedent as to answer what may constitute as crimes against humanity and what is to be prosecuted under

International Criminal Court.

According to Palermo Protocol, there are three elements to establish such crimes. First being, acts like recruitment, transportation, transfer, harbouring or receipt of persons^[11]. Second. By means of – threat, use of force. Coercion, fraud, abduction, abuse of power, abduction or vulnerability, giving or receiving payments or benefits to gain consent of a person controlling another^[12]. Third, the purpose for exploitation – which is not limited could be for the reason of prostitution. Or other forms of sexual exploitations, forced labour, slavery, organ removal^[13].

So in order to establish a crime under human trafficking, any element of act, means and purpose has to be satisfied.

Human Trafficking as Crimes against Humanity under the Rome Statute

Article 7 under the Rome statute states list of acts that are referred as crimes against humanity i.e. "when committed as part of widespread and systematic attack directed against any civilian population, with knowledge of the attack"^[14]. In the statute, article 7(2) (c) refers to trafficking clause with its explanation under article 7(2) (c) which refers to trafficking in person especially women and children^[15]. However, the definition of human trafficking as not been given. Therefore, the international criminal court will possibly refer to the definition of human trafficking under Palermo protocol as it gives the universal definition to the crime.

Study of Jurisdiction and Competence or Eligibility of the International Criminal Court and the Complementary Requirements

There are two sections of gravity to be examined to satisfy the requirements for prosecution. This goes as follows: first, gravity of crime comparative to other crimes. Second, gravity of a particular detailed instance of the crime. In the first section of the crime, the international criminal court has jurisdiction to try most serious crimes that interests the entire international general public^[16]. There are crimes that seem grave enough and prima facie but a particular instance may be de minimis and possibly regarded as ineligible to be tried under the jurisdiction of the international criminal court.

As according to article 13 under Rome statute, ICC has jurisdiction if the state refers a situation or a particular case. The only crimes that can be tried and be prosecuted are, that is committed after Rome statute came into force. If the ICC has been given jurisdiction to try a case, at its independence, none other can interfere other than UN Security Council^[17]. According the Vienna convention, only the states that approved the Rome statute can be accountable for being

¹¹ Palermo Protocol, Art 3(a) – Use of Terms

¹² Ibid

¹³ Ibid

¹⁴ Article 7(1) of the Rome statute.

¹⁵ The Rome Statute, Art 7(2) (c). The definition is similar to the definition of slavery in the Slavery Convention 1926. See also Elements of Crimes document ICC-ASP/1/3(part II-B), adopted and entered into force 9 September 2002. It is of explanatory nature, with the aim of facilitating the identification of enlisted crimes in those articles where this is relevant, such as CAH: <http://www.icc-cpi.int/NR/rdonlyres/336923D8-A6AD-40ECAD7B-45BF9DE73D56/0/ElementsOfCrimesEng.pdf>

¹⁶ Article 5 of the Rome statute

¹⁷ As of 30 May 2014, this has not yet happened.

⁸ The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 25. December, 2003, 2225 U.N.T.S. 209, (Art. 3) (entered into force 29. September 2003).

⁹ United Nations Convention against Transnational Organized Crime, 15 November 2000, GA RES 55/25. Hereinafter UNTOC.

¹⁰ Palermo Protocol, Art 3(b)

tried under the court. So those states that are in question retain the right to challenge the competence and jurisdiction of International court.

Case Study of the Rohingya Minority in Myanmar and Thailand

The main scope and intention of this sub chapter is to determine the prima facie victims of human trafficking in Myanmar and Thailand that could fall under the article 7 that states crimes against humanity particularly, slavery or enslavement. is to determine whether the crime against the Rohingya satisfies the gravity of the crime to be considered as slavery or enslavement under crimes against humanity and if it is grave enough to be tried equally as crimes like war crimes, genocide since there is no evidence of any kind of national nor international conflict in Thailand nor Myanmar.

Rohingya is a minority who has their origin from a mix of Buddhists, Arabs, and Bengalis ^[18] even though their origin is debatable including their existence itself, the fact that they are a minority group doesn't change. They are currently residing in the north of a state called Arakan which is mostly inhabited by military. They live at the borders of Bangladesh in refugee camps.

The colonization by the British left the Rohingya stateless when the borders of India and Burma was defined ^[19]. Despite living in Arakan since the 8th century, and Arakan becoming a part of India, the Rohingya were not welcome by either of the countries. There were particularly five attacks on Rohingya in Myanmar. First of which was in 1978 called "Operation dragon king" ^[20] which was forcefully displacing of Rohingya who escaped to Bangladesh because of attacks like rape and killings by the Burmese army. These people were forcefully sent back to Myanmar with support of UN by Bangladesh where they were not wilfully welcome because of which there was another attack of violence and killing. The strong military presence in Arakan was the main reason for forced labour and sexual slavery of the minority in Myanmar with intention of discrimination because they are not assisted by the government. This minority has been a victim of forced labour even with the presence of international labour organization (ILO). The above facts satisfy the elements of human trafficking i.e. making use of vulnerability status without legal rights to target. Nevertheless, the mere knowledge of the attacks against Rohingya should be enough reason for such human trafficking to be tried as CAH in ICC as prima facie.

Establishing Human Trafficking in Case of Rohingya Minority (legal analysis)

The three elements of human trafficking being 'the act, means, and purpose' is well settled. In terms of the case of Rohingya, first, in Myanmar, the men belonging to Rohingya are dislocated, enlisted for construction,

agriculture and other forced labours whereas the women are enlisted on the basis of age, and physical looks, dislocated to military bases for forced labour and sexual slavery. In Thailand, they are sold and resold to the locals, Malay and Burmese by transporting, recruiting, or harbourage. Their vulnerability as minority without citizenship attracts Palermo protocol to be applied where means of crime are enlisted. Since in Myanmar, they are abducted, threatened, abused, tortured, forced and in Thailand, traffickers cloak as people smugglers, use force in trafficking camps. Since at least one of the three acts enlisted has been satisfied, it can be proved that Rohingya are victims of human trafficking prima facie to Palermo protocol.

Terrorism as an Emerging International Crime

From Rome to Hague: An Appraisal of Icc

The Rome Statute precisely talks about all the crimes but negotiated the crimes under international criminal law. Genocide and crimes against humanity have been prosecuted in all circumstances. Therefore, in article 7 of the statute says about the breakthrough in the codification of the international law in this area. It is also very significant that the war crimes fall under the jurisdiction of the international or non-international internal armed conflicts i.e. civil wars. Ninety per cent of the modern conflicts are of internal nature, the scope of jurisdiction is of utmost important.

Although the statute makes no mention of adding the other crimes in future, there has been discussion among the States that crimes involving terrorism, use of nuclear weapons, trafficking of narcotics and substances should be added. Despite the discussion of these adding of the crimes, the state parties was to restrict the court's jurisdiction to few core crimes in order to get the broader acceptance of the ICC.

Responsibility of the non-State Actors for Acts of Terrorism

Terrorism violates the human rights of the people in this world, it do not respect the rights of the individual. The most basic and most fundamental form of all human rights – the right to life and this is in threat in today's world from acts of terrorism. These rights are inherent and its of the due fact that we being human. International human rights is available against one state, it is not available against non-state actors. Non-state actors like ISIS (Islamic State of Iraq and Syria) and Al Qaeda in the area of terrorism. Are these groups, organizations do not live by the rule of law? This proposal needs to be looked into and the gist is the right inheres in all.

The dilemma is that human right organizations are two faced as they concentrate on the behaviour of the state in response to the terror activities. The counter terror parties of the government have been the target of the human right activists as they can only see the protection of the rights of the terrorists and they forget about the violations committed by the terrorists.

There is no engagement of the accountability of the non-state actor except the state's responsibility of the protection of the rights of the citizen. The legal arguments and the advocacy puts rights on the civil rights of those accused of terrorist crime but they have not much to say on the obligations and the accountability of the person who commits terrorist acts and those who are harmed by them. Human rights look partial as a result, this is the one reason

¹⁸ HRW, "Perilous Plight – Burma's Rohingya Take to the Seas" (Human Rights Watch, New York, 2009) p.6.

¹⁹ The Anglo-Burman war in 1824 ended with a signed treaty in 1826 where Arakan became part of British India. However, the independence of Burma in 1948 led to internal disturbances and violence, in particular in areas with ethnic minorities. NUI Galway, op.cit. pp. 24-25

²⁰ Zawacki, Benjamin. "Defining Myanmar's "Rohingya Problem"" Human Rights Brief 20, no. 3 (2013), p.18.

that organizations are double standards- even though their contribution towards the human rights do not show any sympathy for violent acts and those who commit them. The role of governments does exist but the world of innocent citizens are under the threat of terrorists. The human rights law is criticized for giving protection to the terrorists and criminals.

Terrorism and the ambiguation of the laws of war

Background

Despite the universal acceptance as an international crime there is a confusion over the definition of terrorism. Terrorists attacks are commonly employed modus operandi in modern asymmetric warfare. The targeted laws, criminal procedures and extradition arrangements have been given preference in the global response that gives concentration on the legal justification for the use of article 51 of the UN Charter.

A central problem has been in the international debate that the problems defining terrorism and this has come centrally to the General Assembly then in till 2001 Security Council got measures for the peace and security. By 2001 landscape changed fundamentally the event of terrorist attack on the American World Trade Centre Tower in New York City where the focus was towards the crime of terrorism.

The difficulty is that there is no precise definition and the word is politically and emotionally charged^[21]. There is a legal ambiguity and a moral ambiguity when agreeing upon the definition, we should remember that all definition of crime is socially constructed. The modern English term "terrorism" back in 1975 called as the Reign of Terror^[22] After the League of Nations was induced then it became the instrument of terrorism as an international offence. Conventional international law is limited to small number of accepted conventions to particular type of terrorism, which deals with customary international law. The most common types covered by these include against safety of civil aviation and maritime navigation, the use of nuclear and chemical weapons.

An International Law Model for Conceptualising Terrorism

Terrorist are now more sophisticated and have devastated weapons and target the greatest damage to life and property. Terrorists are now multi-millionaire and look for nation's financial support. The challenge to states and the international community becomes broader when states support terrorism actively or passively that enhance the capability of the terrorists.

When international criminal framework and terrorism seen together, when a person is detained of terrorist activities, humanitarian law does not apply instead domestic law, international criminal law, and human rights govern. The legal strategy does not say on international terrorist from acting, there are antiterrorism conventions, extradition

²¹ In his book, Bruce Hoffman, Inside Terrorism, use of the term implies a moral judgment; and if one party can successfully attach the label terrorist to its opponent, then it has indirectly persuaded others to adopt its moral viewpoint. Hence the decision to call someone or label some organization 'terrorist' becomes almost unavoidably subjective, depending largely on whether one sympathizes with or opposes the person/group/cause concerned

²² See John Murphy, Defining International Terrorism: A Way Out of the Quagmire, 19 Israel Yearbook on Human Rights 13, 14 (1989)

agreements and other forms of jurisdictional cooperation. Security Council says that to control the spread of the international terrorism, military force can be used to counter terrorism as it used to happen in the Cold War days. Several states argue that there need to take precautionary actions before they attack us rather than respond to the attack through legal process.

It has been argued that the international law plays role in the hands of terrorists. It is further argued that there is a wage war against terrorism then they should not be seen as criminals but persons jeopardizing national security^[23]

Cyber Terrorism

The Information Technology (amendment) Act, 2008 was passed by Lok Sabha with no discussion. It talks on the new offences that have been introduced by the amendment act and it's a increasing threat to the cybercrime in India today. Various new offences has been introduced by amendment and determining the need to legislative response. There is a need to criminalization of offences in cyber space. It can be done through state intervention. Cyber terrorism is the main focus here^[24]

An analysis of the new crime under the Information Technology Act, 2008

Cyber Terrorism is the convergence of terrorism and cyber space. Section 66F of the act says that the method on which the act is committed, the wrongful conduct, and then describe the potential damage caused by such acts. It also says in the damage of the essential supplies. Using the general accepted definition of the cyber terrorism, it is known that the damage need not be restricted to the property of the government. So as long as it creates fear in the minds of the people its terror. "The virtual properties" belonging to government or private citizens has not been used anywhere in the section.

Secondly, it deals with the sensitive information, data and computer databases. For example, a data may be used to locate sensitive targets, private bank accounts to fund terrorist's programmers and propaganda which finally gives out the confidential data and documents. It's important to cover the data like money settlement through internet banking, use of internet channels for terrorist plans across countries, hacking governmental and non- governmental websites, virus and Trojan attacks at cyber assets of the country, etc^[25].

There is a overlapping of the functional definition of the IT, IPC and the Unlawful Activities Prevention Act, these create loopholes and ambiguities which give chances to terrorists. Analysis of this section has been given with similar criminal provisions but focus is on the punishments awarded and also the recognition of the international aspect in cybercrime in relation to cyber terrorism.

²³ For example, US Secretary of State George P Shultz predicted in 1984: "We can expect more terrorism directed at our strategic interests around the world in the years ahead. To combat it, we must be willing to use military force." Address before the Park Avenue Synagogue, 25 October 1984, reprinted in Dep't of State Bull 12, 16 (December 1984) [hereinafter "Park Avenue Synagogue Address"].

²⁴ S.V Joga Rao, Law of Cyber Crimes and Information Technology Law 10 (2004).

²⁵ Naavi, IT Acts Amendments and Cyber Terrorism, Meri News (December 2008), <<http://www.merineews.com/article/it-act-amendments-and-cyber-terrorism/152449.shtml>> (last visited 9-17-2020).

It is inconceivable to think that the cyber terrorism provision in the IT Act will lie stagnant in the years to come, given the dynamic nature of terrorist activity, which is bound to traverse yet unforeseen criminal territories, but it is discomfoting to see that the first legislation addressing the incidence of cyber terrorism falls drastically short in terms of comprehensiveness, clarity and particularity.

5. Conclusion

Illegal drug trade is a violent industry that took flight to the wings of prohibition and globalization. After an unsuccessful war on drugs and the ineffective drug policies of forty years, something should be done to deal with the problem of increasing drug trafficking and related violence. Universal legalization presents a viable solution to this dilemma. By attacking the market rather than the market participants, the legal framework can successfully eliminate violence in the industry and retrieve its profits away from criminals. This paper acknowledges the prosecution of human trafficking as crimes against humanity at international criminal court is achievable but needs resilience by the court due to lack of definition of human trafficking un the Rome stature. Thought it does fall under the article 7 of the Rome statute 9 act of enslavement), prosecution of human trafficking at court requires detailed interpretation to consider the gravity of the crime.

Exploring the terrorism when there is an ambiguity with the laws of war, defining terrorism and how it has the global counter terrorism especially in the cyber world and finally this paper gives an overview of what are the responsibilities of the non-state actors in the acts of terrorism.

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7. References

1. Rome Statute of the International Criminal Court art. 5, July 17, 1998.
2. An International Criminal Court-An Emerging Idea by John B. Anderson
3. International Drug Trafficking: A Global Problem with a Domestic Solution Matthew S. Jenner.
4. Just Say No: The Case against Expanding the International Criminal Court's Jurisdiction to Include Drug Trafficking Heather L. Kiefer
5. Cerone, John 'Human Trafficking', Max Planck Encyclopedia of Public International Law, Heidelberg and Oxford University Press, 2013.
6. Hwang, P., 'Defining Crimes against Humanity in the Rome Statute of the International Criminal Court', Fordham International Law Journal, 2014, 22(2).
7. Zawacki Benjamin. "Defining Myanmar's "Rohingya Problem"" Human Rights Brief. 2013; 3(3):18-25.
8. <https://www.undispatch.com/will-international-criminal-court-take-mexican-drug-war/>
9. <http://legal.un.org/icc/general/overview.htm>
10. <https://www.unodc.org/e4j/en/terrorism/module-4/key-issues/international-courts-and-tribunals.html>
11. <https://www.unodc.org/unodc/en/drug-trafficking/legal-framework.html>
12. <http://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article>

13. Not for Sale Campaign: <http://www.notforsalecampaign.org/about/slavery/> (accessed 3 May 2019)
14. Restless Beings: <http://www.restlessbeings.org/projects/rohingya>
15. UN Treaty Collection: <https://treaties.un.org/>
16. NIPC, 'Cyberterrorism: An Evolving Concept. National Infrastructure Protection Centre' (National Infrastructure Protection Centre, June 2015)
17. "Talking about Terrorism: Risks and Choices for Human Rights Organisations" Report of the International Council on Human Rights Policy 37 (Switzerland, 2008). Available at: http://www.ichrp.org/files/reports/35129_report_en.pdf.
18. World Drug Report Volume 1: Analysis (Report), 2005.
19. Amnesty International, 'The Rohingya Minority: Fundamental Rights Denied', (18 May 2004) <http://www.amnesty.org/en/library/asset/ASA16/005/2004/en/9e8bb8db-d5d5-11ddb24-1fb85fe8fa05/asa160052004en.pdf> (last accessed: 5 May 2019).
20. Human Rights Council, Report of the Special Rapporteur on the Situation of Human Rights in Myanmar, Tomás Ojea Quintana, UN Doc. A/HRC/22/58, (6 March 2013): <http://responsibilitytoprotect.org/Quintana%20Report%20on%20Burma%20206%20March%202013.pdf> (last accessed: 12 May 2019).
21. NUI Galway, "Crimes against Humanity in Western Burma: The Situation of the Rohingyas", (Irish Centre for Human Rights, 2010).
22. India wants terrorism included in International Criminal Court, Indian Express (Mumbai), 24-10-1998
23. Allied Control Council Law No. 10: Punishment of Persons Guilty of War Crimes, Crimes Against Peace and Against Humanity 1945
24. Rome Statute of the International Criminal Court, 17 July, 2187 U.N.T.S. 90, U.N. Doc. A/CONF. 183/9 (1998) (entered into force 1. July, 2002), 1998.
25. United Declaration of Human rights 12. December, GA Res. 217A, UN GAOR, 3rd Session, UN Doc. A/810, (Art. 4), 1948.
26. United Nations Convention against Transnational Organized Crime, 15 November 2000, GA RES 55/25.
27. Peter Grabosky & Michael Stohl, Cyber terrorism, 82 Reform 8 (autumn), 2003.