

## Editorial

Welcome to JHEC 5(2) of 2024, which is comprised of three important and interesting articles.

The first one is written by Yelyzaveta Monastyrova (The Open University, Law School, UK) and is titled ‘Human Trafficking and International Armed Conflict: Applying the Trafficking Lens to Sexual Violence, Forced Labour and Deportation in the Russian-Occupied Territories of Ukraine’. Yelyzaveta states that immediately after the full-scale invasion of Ukraine by the Russian Federation in February 2022, the international anti-trafficking community raised concerns about the Ukrainian refugees facing heightened risks of human trafficking, as evidenced by the documented links between conflict-induced mass displacement and exposure to exploitation. Yet, she argues that the same actors remained silent on possible trafficking in the areas under Russian control – even as evidence of systematic sexual violence employed by the Russian military against Ukrainian civilians soon emerged – arguably, due to the asymmetrical nature of the conflicts that shaped practitioner and academic understandings on intersections between trafficking, sexual violence and exploitation in war economies. Inadvertently, this tacit refusal to consider in-conflict trafficking in the Russo-Ukrainian war, coupled with the refugee-centred discourse, has reinforced allegations of widespread sex trafficking of Ukrainian women and children in host societies, concertedly disseminated by Russian officials and affiliated sources, and seeking, alongside reputational damage, to erase the crimes of the Russian occupational regime. Meanwhile, since 2014, the Ukrainian government has granted the status of trafficking victim to survivors of forced labour in illegal detention in the occupied territories – a practice reflecting the lack of dedicated mechanisms for war crime victims. Since 2022 it has become more widespread and extended to survivors of conflict-related sexual violence, forcible transfers and deportation. Against this backdrop of discursive contestation and practical uses of anti-trafficking frameworks, Yelyzaveta’s article examines legal and practical challenges, prospects, and limitations of applying the human trafficking concept to violence against civilians in the context of inter-state war and occupation.

In the second article, Belén Guerrero Romero (Legal Fellow, Civitas Maxima) explores ‘The Boundaries of Crimes Against Humanity: The Case of Intra-party Sexual and Reproductive Violence within Non-State Armed Groups’. She underlines that the categorisation of intra-party sexual and reproductive violence within non-State armed groups as war crimes has garnered increased attention over the past decade, as evidenced by scholarly discussions and jurisprudence from national courts and international tribunals. However, according to her, debates surrounding the justiciability of such violence as crimes against humanity have been notably scarce, which is most likely attributed to the treaty-based and customary requirement that the latter international crimes must

be committed ‘as part of a widespread or systematic attack directed against any civilian population’. Guerrero Romero’s article provides both a critical insight on the subject matter and a path forward towards accountability. By reviewing relevant jurisprudence of international and hybrid criminal tribunals, she contends that the notion ‘civilian population’ could be interpreted flexibly in order to encompass intra-party attacks within non-State armed groups involving acts of sexual and reproductive violence. The article demonstrates that such an interpretation aligns with the object and purpose of crimes against humanity, the fundamental tenets of international human rights law, the framework of international humanitarian law, and the principle of legality.

The third and final contribution to this issue comes from Alicia Heys (Wilberforce Institute, University of Hull), Eva Veldhuizen Ochodničanová (Wilberforce Institute, University of Hull), Elza Maaiké Veldhuizen Ochodničanová (The Radicalisation, Violent Extremism, and Organised Crime Portfolio, IPS Innovative Prison Systems), and Julia Muraszekiewicz (Programme Against Exploitation and Violence, Trilateral Research). The article is titled ‘Behind Battle Lines: Analysing Commanders’ Decisions around Conflict-Related Sexual Violence and Exploitation and Their Penal Consequences’ and analyses the motivation behind military commanders’ perpetration, facilitation and tolerance of conflict-related sexual violence (CRSV) and considers the decision making behind the imposing of punitive measures. It begins by investigating macro-level criminological perspectives behind CRSV, focusing on understandings of gender, masculinities and power in conflict settings. Meso-level conflict dynamics are subsequently explored to navigate the strategic motives behind CRSV, relating to its deployment to meet military objectives, and its use in regulating and building cohesion among troops. Consideration is then given to micro-level psychological perspectives to elucidate individual decision-making that leads to commanders tolerating or encouraging CRSV. This includes an analysis of some of the most relevant theories within social psychology including social identity theory and moral disengagement. Finally, case law from the International Criminal Court is scrutinised to understand the current approaches towards punishing CRSV, before arguing that a lack of knowledge on when and how CRSV will be committed means that punishment should be influenced by a victim-centric approach. Heys and others provide a multidisciplinary understanding of the state of the academic literature on military command and CRSV. They bring together criminological theory, conflict analysis and psychological understandings to provide a holistic overview, before investigating approaches towards punishment and prevention. In providing a rigorous review of current understandings and highlighting the limitations of extant knowledge, the authors argue for paving the way for research to better understand and improve interventions regarding commanders committing CRSV.

We hope you will enjoy the read!