

THE JURISPRUDENCE OF MASS VIOLENCE: AN APPRAISAL OF THE KINETICS OF SEXUAL ASSAULT IN INTERNATIONAL CRIMINAL LAW

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Abstract

The utilization, objectification, and instrumentalization of sexual violence in contemporary warfare have assumed an alarming dimension. Numerous nation-states and individuals are complicit in this practice, notwithstanding its explicit prohibition under international criminal law. The adjudication of sexual assault within international criminal law remains structurally impeded by persistent doctrinal indeterminacy, particularly concerning the evidentiary thresholds of voluntariness and intimidation. Within domestic and international jurisdictions, the parameters of valid consent (volition) and the manifestations of systemic coercion (duress) are frequently subjected to fragmented judicial interpretation, creating significant evidentiary hurdles for prosecutions. The statutory and jurisprudential evolution of the International Criminal Court (ICC) has firmly codified sexual assault not merely as a domestic infraction or an incidental byproduct of conflict, but as an autonomous war crime and a constituent element of crimes against humanity. This paper posits that courts, prosecutors, and international legal practitioners must urgently adopt more progressive, victim-centered, and efficacious frameworks. Ultimately, the paper offers actionable recommendations for reform, demonstrating how a refined approach to establishing intimidation and coercion can enhance the efficacy of prosecuting sexual assault as both a war crime and a crime against humanity, thereby

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strengthening the broader framework of international justice.

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1. INTRODUCTION

The Historical Trajectory of Conflict-Related Sexual Assault

Throughout the history of warfare, conflict-related sexual violence has not merely been an incidental byproduct of chaos, but rather a calculated, strategic instrument of terror deployed systematically by combatants.¹ Historically, women have routinely been reduced to sexual servitude, functioning as human chattel in broader campaigns of subjugation and humiliation against enemy populations.²

Despite the rampant and enduring nature of this practice, sexual violence has been formally denounced and outlawed since antiquity.³ Both international legal frameworks and municipal statutes have gradually erected a robust body of jurisprudence explicitly condemning the fundamental atrocity and malice inherent in these offenses.⁴ This progressive expansion of global criminal law has sought to codify stringent prohibitions against wartime sexual abuse, attempting to transform customary norms into enforceable statutory accountability.⁵

¹ Gloria Gaggioli, 'Sexual Violence in Armed Conflicts: A Violation of International Humanitarian Law and Human Rights Law' (2010) 92 *International Review of the Red Cross* 903, 905–907.

² Alice Farmer, 'The Legal Framework of Conflict Related Sexual Violence' (2020) 10 *Journal of Strategic Security* 45.

³ Elisabeth Wood, 'Conflict-Related Sexual Violence and the Policy of Implications of Recent Research' (2015) 96 *International Review of the Red Cross* 457, 460

⁴ Ntombizozo Dyani, 'Protection of Women from Sexual Violence During Armed Conflict' (2006) 6 *African Human Rights Law Journal* 294, 301–305.

⁵ Prosecutor v Jean-Paul Akayesu (Judgment) ICTR-96-4-T (2 September 1998)

Yet, despite these significant advancements in codified law, contemporary international courts and tribunals continue to exhibit divergent stances regarding the precise legal definition, scope, and evidentiary interpretation of sexual assault.⁶ This lack of judicial uniformity across different global forums complicates prosecution, revealing a persistent gap between the aspirational aims of humanitarian jurisprudence and its practical enforcement in international criminal law.⁷

This paper considers four central socio-legal paradigms that fundamentally shape contemporary jurisprudence and scholarly discourse surrounding sexual violence. The first paradigm interrogates the operationalization of coercion, specifically analyzing how a perpetrator's deployment of psychological, economic, or physical duress during the offense influences legal outcomes, and whether such coercive conduct should be codified as a definitive, independent element of the statutory crime.

Second, this analysis evaluates the complex doctrine of victim consent, investigating the critical evidentiary boundaries between explicitly voluntary agency and choices structurally compelled through implicit force, while questioning the systemic utility of treating non-consent as a foundational element of the criminal *prima facie* case. The third critical perspective addresses statutory interpretation, weighing the systemic ramifications of adopting either an expansive, contextual construction or a strictly literal, narrow elucidation of sexual assault definitions within criminal codes. Finally, this paper balances the structural tension between judicial equity ensuring institutional

⁶ Richard Ogbe, 'International Criminal Law and the Dynamics of the Crime of Rape' *Beijing Law Review*, 2025, 16(1), 377-386. <https://www.scirp.org/journal/blr>

⁷ Md Al Maajid, 'Conflict-Related Sexual Violence Under International Criminal Law: Precedents of the International Criminal Court' (2026) 34 *Global Health Review* 112, 115.

protections and trauma-informed dignity for the victim and the constitutional mandate to uphold the procedural rights and due process guarantees of the accused.

1.1 The Anatomy of International Sexual Violence: Deconstructing the Elements of Sexual Assault before Ad hoc Tribunal Jurisprudence
The evolution of international criminal law is marked by numerous global milestone trials that have rigorously evaluated the core ontological and doctrinal components of sexual violence. A paramount jurisprudence-setting example is the 1998 International Criminal Tribunal for Rwanda (ICTR) landmark case of *Prosecutor v. Akayesu*⁸ where the defendant was systematically convicted of sexual assault recognized as a constituent element of a crime against humanity. Throughout the complex adjudication process, formulating a rigorous, authoritative interpretation of sexual assault proved profoundly problematic, exacerbated by the divergent legal perceptions and fragmented statutory frameworks across various domestic jurisdictions. Consequently, the Trial Chamber encountered significant institutional friction while endeavoring to achieve a consensus on a universally recognized definition within international jurisprudence.

Crucially, contemporary international jurists and the global community rejected narrow, mechanical formulations that artificially restricted sexual assault to mere physical penetration executed under overtly forceful or militarized conditions.⁹ This conceptual dissatisfaction stems from the sociological reality that coercive environments do not exclusively manifest through overt physical force or immediate threats

⁸ *Prosecutor v. Akayesu* (Judgment) ICTR-96-4-T, T Ch I (2 September 1998) paras 597–598.

⁹ Catherine A MacKinnon, 'The ICTR's Legacy on Sexual Violence' (2008) 14 *New England Journal of International and Comparative Law*, 211

of violence.¹⁰ On the contrary, alternative compulsive conditions, asymmetric power dynamics, and systemic vulnerabilities inherent to conflict-ridden societies can equally neutralize agency, negate autonomy, and compromise valid consent. Thus, the tribunal's eventual findings served to deconstruct traditional, phallogentric requirements of physical resistance, anchoring consent instead within the broader coercive apparatus of the state or military hierarchy.

One of the most notable developments in the evolving jurisprudence of international criminal law is the definitive shift in how global tribunals conceptualize sexual violence.¹¹ Historically, formal legal frameworks relied on narrow, highly gendered definitions of sexual assault that focused almost exclusively on vaginal penetration by a male organ. However, modern international tribunals have significantly expanded this scope by adopting the broader phrase 'a physical infiltration of a sexual nature.' This conceptual pivot represents a profound departure from traditional, restrictive statutory definitions, deliberately dismantling the historical legal paradigms that previously governed the prosecution of sexual crimes.

The expansion of this legal definition is praiseworthy and progressive for several reasons. First, the modern judicial interpretation broadens the anatomical scope of the offense by incorporating non-consensual penetration of the mouth or anus. Furthermore, it explicitly covers the non-consensual introduction of inanimate objects, toys, or other body parts such as fingers and tongues into the vagina or other orifices. By removing the strict requirement for penile-vaginal penetration, the law now recognizes the full spectrum of bodily violations that victims endure.

¹⁰ Ibid, 198

¹¹ Kelly D Askin, 'Sexual Violence in Decisions of International Tribunals' (2005) 99 *American Journal of International Law* 1, 12

Second, this progressive jurisprudential framework detaches gender from the definitions of both perpetrator and victim. Under this modern interpretation, sexual assault is recognized as a crime that can be committed by individuals of any gender, meaning that both men and women can be legally recognized as victims or perpetrators. Ultimately, the court's expanded definition reflects a sophisticated understanding of power dynamics, suggesting that coercion can manifest in diverse ways beyond overt physical violence, thereby closing historical impunity gaps in international humanitarian law.

Another seminal case where the elements of sexual assault were adjudicated was *Prosecutor v. Furundzija*, decided by the International Criminal Tribunal for the Former Yugoslavia (ICTY). In this decision, the tribunal classified the crime of sexual assault as a violation of Common Article 3 of the Geneva Conventions. It expanded the legal definition of sexual violence, despite the absence of a consensus definition of sexual assault within international jurisprudence. The court conceptualized sexual assault to encompass any sexual penetration, however slight, of the victim's vagina, anus, or mouth by the perpetrator's penis or any other object. A pivotal feature of this ruling was the determination that the degree of penetration is immaterial. Furthermore, the decision established critical precedents regarding non-consensual digital penetration under coercive circumstances, as well as forced sexual acts induced by threats directed at third parties, such as a victim's child or family member.¹²

Within the framework of international criminal law, the parameters of force and consent constitute separate, discrete, and sharply defined legal categories that must be independently and thoroughly established

¹² Patricia Visser Sellers, 'The Context of Sexual Violence: Defining the Crime' (2002) 15 *Leiden Journal of International Law* 125, 131.

to prosecute the crime of sexual assault successfully.¹³ This doctrinal separation stems from their entirely different evidentiary and conceptual foundations. On one hand, the element of force or coercion is fundamentally objective and behavioral, focusing strictly on the overt physical acts, threats, or conduct executed by the perpetrator. On the other hand, the determination of voluntary consensus is inherently subjective and psychological, shifting the analytical focus to the victim's internal state of mind and the presence or absence of genuine autonomy.¹⁴ Consequently, a tribunal cannot infer a lack of consent merely from proof of physical coercion, nor can it deduce the presence of force solely from the absence of consensus; rather, the prosecution faces a bifurcated burden where both independent elements must be separately and individually fulfilled to satisfy the high standard of proof required by global jurisprudence.¹⁵

2. BEYOND THE BASELINE:

Modern Challenges in Defining the Foundational Parts of Sexual Assault.

The jurisprudence of the International Criminal Court (ICC) has significantly advanced the codification and interpretation of sexual and gender-based violence within international humanitarian and criminal law.¹⁶ In delineating the foundational components of sexual assault, the ICC has systematically aligned its evaluative framework with the statutory parameters set forth in the Rome Statute, mirroring the foundational precedents established by the International Criminal

¹³ Catherine A MacKinnon, 'The ICTR's Legacy on Sexual Violence' (2008) 14 New England Journal of International and Comparative Law 211, 215.

¹⁴ Leila Nadya Sadat, 'Feminist Approaches to International Law: Reflections on Recognizing Rape as Genocide' (1999) 3 New England Law Review 357, 361.

¹⁵ Rhonda Copelon, 'Surrendering Gender: The Sabotage of Rape in the Laws of War' (1994) 14 Law & Inequality 153, 161–164.

¹⁶ Rachel S Taylor, 'The Contradiction of Consent in International Criminal Law' (2014) 12 Journal of International Criminal Justice 491, 498–502

Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR). Within this consolidated legal framework, sexual assault is actionable both as a war crime under Article 8 and as a crime against humanity under Article 7 of the Rome Statute. Crucially, while these categorizations depend on distinct contextual elements, namely, a nexus to an armed conflict or a widespread and systematic attack against a civilian population, the underlying material elements of the offense remain legally identical and conceptually indistinguishable across both frameworks.

In defining the physical execution of the offense, the ICC characterizes the *actus reus* of sexual assault through an objective, conduct-based threshold. Specifically, the Court identifies the material act as an instance wherein the perpetrator invades the bodily integrity of a person via non-consensual penetration. This encompasses penetration of the victim's anus, vagina, or any other genital opening or somatic part, utilizing a sexual organ, alternative body part, or an external object. To satisfy the threshold of liability, this invasion must be executed through the deployment of physical force, the imminent threat of violence, or systemic coercion. Such conduct must manifest in a coercive environment characterized by severe intimidation, psychological oppression, arbitrary detention, or the structural abuse of power, thereby vitiating the possibility of genuine, voluntary, and informed consent

Ultimately, the definition and framework through which the International Criminal Court (ICC) addresses consent reflects a distinct approach to sexual offenses, contrasting sharply with the methodologies of several domestic jurisdictions.¹⁷ The ICC framework explicitly recognizes that specific individuals, by virtue of age or

¹⁷ Kelly D Askin, 'Sexual Violence in Decisions of International Tribunals' (2005) 99 *American Journal of International Law* 1, 12

mental or physical impairment, lack the legal capacity to consent to sexual activity. This standard aligns with recent domestic legislative reforms that safeguard individuals lacking the capacity to offer valid consent, a position consistent with an expansive interpretation of Article 30 of the Rome Statute. Although the aforementioned article decouples mens rea from the standalone elements of sexual crimes, it nonetheless requires that sexual assault be perpetrated with the requisite intent and knowledge.¹⁸ Specifically, this entails the intent to penetrate the body of another person, coupled with the awareness that such penetration was executed through force or coercion.

2.1 The Evolution of Sexual Assault Jurisprudence under the International Criminal Court

In establishing its foundational jurisprudence, the International Criminal Court (ICC) significantly broadened the historical, restrictive paradigms surrounding the crime of sexual assault. By transcending traditional statutory frameworks, the Court expanded the legal definition of sexual assault to encompass a diverse matrix of forced sexual activities that were previously unrecognized by domestic legal systems. This jurisprudential shift reflects a modern, gender-neutral approach to international criminal law, formalizing several critical advancements.¹⁹

First, the ICC framework explicitly codifies the concept of sexual intrusion, recognizing the penetration or violation of any part of the body of a victim, regardless of their gender identity. This successfully dismantles classical, heteronormative legal biases that historically excluded male victims from the statutory definition of sexual assault.

¹⁸ International Criminal Court, *Elements of Crimes* (2011) ISBN 92-9227-232-2, Article 7(1)(g) Crime against humanity of rape, element 2.

¹⁹ Theodor Meron, 'Rape as a Crime Under International Humanitarian Law' (1993) 87 American Journal of International Law 424, 426

Second, the Court adjusted its evidentiary and definitional standards to account for the unique, coercive realities of armed conflict. By enlarging the connotative and contextual meanings of 'coercion' and 'force,' the elements of crimes under the Rome Statute recognize that the structural terror of war, such as systemic captivity, psychological trauma, and institutional duress, can effectively vitiate consent without requiring proof of physical resistance.

Finally, the ICC systematically addressed the doctrine of legal capacity regarding consent. The Court established that specific vulnerable populations, specifically individuals experiencing altered states of mind, cognitive or physical infirmities, tender youth, or advanced age, lack the requisite cognitive and volitional autonomy to grant voluntary consent.²⁰ By recognizing that these internal and external vulnerabilities preclude genuine, uncoerced agreement, the ICC has institutionalized a highly nuanced, protective standard for victim autonomy in international humanitarian law.

3. UNANIMOUS DEFINITIONS OF INTERNATIONAL FRAMEWORK ON SEXUAL ASSAULT

Undeniably, an expansive body of jurisprudence surrounds the doctrinal delineation of sexual assault within international criminal law; yet, despite this dense judicial output, a universally accepted definition remains elusive.²¹ Among the competing frameworks, the elements of crimes articulated by the International Criminal Court (ICC) offer the most comprehensive and far-reaching paradigm. However, the ICC framework is not without systemic flaws. Critically, its strict stance on the secondary component of the mens rea element

²⁰ Janet Halley, 'Rape at Rome: Feminist Interventions in the Elements of Crimes' (2008) 34 *Michigan Journal of International Law* 1, 15–18

²¹ Patricia Visser Sellers, 'The Context of Sexual Violence: Defining the Crime' (2002) 15 *Leiden Journal of International Law* 125, 131.

introduces vulnerability by arguably permitting the subjective defense of a mistake of fact, a loophole that threatens to undermine accountability. This conceptual fragmentation is further exacerbated by the divergent ad hoc approaches of legacy tribunals. Both the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) developed distinct, often conflicting definitions of sexual assault, shifting between conceptualizations rooted in physical force and those centered on the absence of genuine consent. This divergence underscores an urgent imperative for structural harmonization across international instruments. A primary focal point for such statutory reconciliation must be the evidentiary requirements surrounding consent and coercion, balancing the elimination of harmful trial practices with the preservation of defense rights.

A critical consequence of contemporary international jurisprudence is the formal differentiation between the legal realities of wartime exigencies and the normative frameworks operating within stable municipal jurisdictions during periods of peace. International criminal tribunals have increasingly recognized that under conditions of armed conflict, the manifestation of genuine, uncoerced consent is frequently an impossibility, as pervasive systemic duress fundamentally vitiates any assertion of voluntary submission.²² This jurisprudential evolution is vividly illustrated in the seminal rulings of the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR). These bodies established that a showing of explicit physical force is not an absolute prerequisite to establishing a coercive environment. Instead, objective and subjective intimidation, including systematic terrorizing and targeted attacks, satisfies the threshold of coercion, provided such

²² Rachel S Taylor, 'The Contradiction of Consent in International Criminal Law' (2014) 12 *Journal of International Criminal Justice* 491, 498-502.

conduct induces a reasonable and debilitating state of fear within the victim population.

Consequently, within international criminal doctrine, consent is rendered legally unavailable as an affirmative defense once a threshold of coercive circumstances has been established by the prosecution. This rigorous legal reasoning extends symmetrically to scenarios involving third-party duress, wherein a victim complies with a perpetrator's demands under the reasonable apprehension that refusal would subject another individual to arbitrary violence or psychological terror. This progressive re-conceptualization of systemic coercion and the invalidation of nominal consent have informed the foundational jurisprudence of the International Criminal Court (ICC), as well as the hybrid tribunals and localized divisions operating within Rwanda, Sierra Leone, and Bosnia and Herzegovina.

4. EVALUATING THE INFLUENCE OF PERIPHERAL PUBLIC POLICIES ON SEXUAL ASSAULT INTERVENTIONS

Adjectival and probative frameworks maintain equal significance in the prosecution of sexual offenses. However, the ambiguous and intricate nature of these regulatory measures within certain jurisdictions can obstruct successful prosecution, occasionally resulting in the acquittal of defendants on formal technicalities. A primary systemic challenge arises from statutory mandates requiring independent verification of a complainant's sworn testimony to secure a conviction. This proof-related prerequisite traces its origins to the jurisprudence of Lord Chief Justice Matthew Hale, who famously asserted that while an allegation of sexual assault is effortlessly leveled, it presents severe challenges to substantiate and imposes an exceptionally high burden of proof upon the accused, irrespective of actual innocence.

In numerous contemporary legal frameworks, the traditional prerequisite for corroborative evidence in sexual violence prosecutions has been systematically abandoned.²³ For example, provided there is reliable and persuasive proof, a defendant may be found guilty based solely upon the unbacked and unsupported statement of the complainant. This evidentiary standard is firmly established within domestic legal regimes, including Nigeria,²⁴ the United States,²⁵ and the United Kingdom.²⁶ It similarly reflects the consistent jurisprudence maintained by international accountability mechanisms, including the International Criminal Tribunal for the former Yugoslavia (ICTY),²⁷ the International Criminal Tribunal for Rwanda (ICTR),²⁸ and the International Criminal Court (ICC).²⁹ Concurrently, a multitude of jurisdictions have repudiated the archaic and discredited notion that a survivor must demonstrate active physical resistance until rendered entirely defenseless by physical exhaustion. Modern international criminal tribunals explicitly reject this demanding expectation,

²³See generally H U Agu, 'The Requirement of Corroboration in the Prosecution of Sexual Offences' (2004) 9 Nigerian Juridical Review 142.

²⁴ Evidence Act 2011, s 135; see also *Abelegah v State* (2018) 18 NWLR (Pt 1650) 172

²⁵ See *United States v Wiley* 492 F 2d 547 (DC Cir 1973) (discussing the abandonment of the corroboration rule in federal sexual assault jurisprudence).

²⁶ Youth Justice and Criminal Evidence Act 1999, s 32 (abolishing the requirement that judges give a warning to juries about convicting on uncorroborated evidence in sexual offense cases).

²⁷ *Prosecutor v Tadić* (Trial Judgment) IT-94-1-T (7 May 1997) para 539.

²⁸ *Prosecutor v Kamuhanda* (Appeals Judgment) ICTR-95-54A-A (19 September 2005) para 241

²⁹ Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002) 2187 UNTS 3; Rules of Procedure and Evidence, Rule 63(4) ('A Chamber shall not require corroborative evidence to prove any crime within the jurisdiction of the Court').

characterizing the "resistance requirement" as an irrational, obsolete, and atavistic doctrine that fails to align with contemporary understandings of trauma and human rights.³⁰

The defense frequently seeks to impeach a victim's credibility by asserting that underlying medical conditions and trauma-induced stress disorders render them incompetent to provide reliable testimony. This tactical maneuver aims to diminish the evidentiary value of the victim's statements. However, international criminal jurisprudence has firmly rejected this assumption as doctrinally unsound and operationally problematic. Notably, international tribunals have established that psychological distress and depression resulting from severe trauma do not inherently compromise the accuracy or reliability of a witness's testimony.³¹

The discourse surrounding gender neutrality in the context of sexual assault advocacy and legal scholarship is currently undergoing significant evolution. Historically framed through a gender-specific lens, contemporary dialogue increasingly emphasizes the necessity of gender-inclusive paradigms when conceptualizing and addressing sexual victimization. Mirroring this shift, international courts and tribunals progressively interpret the crime of sexual assault as a gender-neutral offense, establishing a precedent that transcends binary limitations. Consequently, it is now widely recognized within comparative legal scholarship that the statutory frameworks of numerous sovereign states explicitly accommodate male victims of sexual violence. Driven by this global momentum, a growing number

³⁰ *Prosecutor v Kunarac* (Trial Judgment) IT-96-23-T & IT-96-23/1-T (22 February 2001) para 437 (reconceptualizing the elements of sexual violence away from force and physical resistance, focusing instead on the lack of genuine consent).

³¹ *Prosecutor v Furundžija* (Judgment) ICTY-95-17/1-T (10 December 1998)

of national jurisdictions have actively integrated this jurisprudence into their domestic frameworks, aligning localized statutory interpretations with the progressive customs and standards of modern international human rights law.

5. RECOMMENDATIONS

A primary proposal underscores the necessity of establishing specific protocols, modeled after the ICTY and ICTR Rules of Procedure, designed to safeguard victims from coercion, harassment, and unfair interrogation. These provisions ensure that victims are not pressured to disclose their prior sexual conduct preceding the alleged assault. While the frameworks utilized during the ICTY and ICTR eras were appropriate and fitting for their time, such measures may now appear inadequate and outdated in light of modern demands. This paper contends that a more comprehensive protective framework is required to properly support victims in accordance with contemporary standards.

A further recommendation dictates that courts must prevent collateral procedures from being deployed against complainants, tactics often designed to maliciously undermine their character and psychological stability. Complainants should be rigorously shielded from any form of coercion intended to cast doubt on their credibility. Consequently, such immaterial matters must be denied evidentiary weight regarding the adjudication of sexual assault offenses. The third recommendation of this paper posits the necessity of rejecting the doctrine of strict liability in instances where the complainant of a sexual assault offense is a minor or an at-risk individual.

The closing recommendation is structurally premised upon the critical evidentiary mechanism used to ascertain whether the victim provided

legally valid consent. Contemporary criminal jurisprudence has increasingly delineated a bipartite mens rea framework regarding the offense of sexual assault. This framework traditionally implies that the prosecution bears the burden of proving not only the absence of consent but also that the accused possessed subjective awareness that the sexual penetration was non-consensual.

To put it another way, a subjective fault standard that positions explicit knowledge as an absolute prerequisite to establishing a lack of consent is doctrinally arbitrary, legally unwarranted, and should be systematically obliterated from statutory frameworks. Within the specific context of armed conflict, the inclusion of a distinct knowledge requirement becomes entirely superfluous, regardless of the compounding surrounding circumstances. This remains true even when acknowledging that a robust mens rea element is generally necessary to maintain procedural fairness and uphold the due process rights of an accused facing allegations of sexual violence.

The underlying legal understanding is that the rights of the defendant remain fundamentally safeguarded without this high subjective threshold. This protection is inherently guaranteed because the prosecution remains strictly duty-bound to substantiate every essential element of the actus reus and accompanying fault elements beyond a reasonable doubt to secure a criminal conviction.

6. CONCLUSION

This paper demonstrates that fair and efficient trials for sexual assaults as international crimes require comprehensive structural reforms to international prosecutorial systems and courts.³² A crucial component of this reformative framework involves the meticulous implementation

³² Valerie Oosterveld, 'The Definition of Gender in the Rome Statute of the International Criminal Court' (2005) 45 *Harvard International Law Journal* 55, 61.

of institutional policies designed to advance the pursuit of systemic justice and cultivate rigorous, gender-neutral analytical methodologies, while simultaneously demystifying the historically cumbersome evidentiary conditions that stifle judicial progress. Parallel to these policy adjustments, courts must aggressively integrate and refine contemporary jurisprudential procedures and procedural rules, harmonizing them with dynamic domestic legislation and evolving local practices.

However, procedural updates alone are insufficient; a comprehensive, holistic evaluation and the subsequent adoption of progressive normative criteria regarding core issues, specifically, valid consent and the complex parameter of a defendant's lack of knowledge remain absolutely vital to systemic utility. Achieving this paradigm shift demands a radical jurisprudential evolution in how the overarching concept of sexual offense is legally constructed and subsequently litigated. Consequently, this paper underscores an urgent imperative for the comprehensive restructuring of both international and domestic criminal frameworks, recalibrating them to align with contemporary socio-legal exigencies and ultimately optimizing the efficacy of sexual assault prosecutions across global and national jurisdictions.³³

³³ R.S, Ogbe, 'The Jurisprudence of Violent Extremism and Terrorist Attacks in International Law' *Beijing Law Review*, 2025, 16(4), 2668-2678. <https://www.scirp.org/journal/bl>