

Article Information

Received: 5 Jan 2026

Revised: 18 Feb 2026

Accepted: 12 Mar 2026

Published: 30 Mar 2026

Original Article

Respect to The International Humanitarian Law in The Context of Inter-State Conflict: A Critical Study on Ukraine and Russian Conflict

Prof. Vishaka Suriyabandara¹

Author to whom any correspondence is to be addressed.

e-mail: vishaka@sjp.ac.lk

Keywords: International Humanitarian Law (IHL), Jus in Bello, Civilian Protection, War Crimes

Abstract

International Humanitarian Law (IHL) constitutes the principal legal framework governing the conduct of armed conflicts by balancing military necessity with humanitarian considerations. The ongoing Russia-Ukraine inter-state armed conflict has emerged as one of the most significant contemporary challenges to the effective implementation and enforcement of IHL. This study critically examines the application of IHL in the context of the Russia-Ukraine conflict, with particular emphasis on the legal obligations of the parties to the conflict, the role of international institutions, and the adequacy of the existing international legal regime. Employing a qualitative doctrinal research methodology supported by content, narrative, and discourse analysis, the study analyzes international treaties, customary international law, judicial decisions, United Nations documents, and relevant scholarly literature. The findings reveal that allegations of serious violations of IHL have been raised against both parties, including attacks affecting civilians and civilian infrastructure, the treatment of prisoners of war, and failures to comply with the principles of distinction, proportionality, and precaution. The study further identifies significant institutional and legal challenges, including weaknesses in enforcement mechanisms, geopolitical constraints arising from the veto power within the United Nations Security Council, the limitations of international criminal accountability, and the evolving nature of modern warfare. It argues that while the existing framework of IHL remains fundamentally relevant, its implementation requires stronger enforcement mechanisms, enhanced

¹Professor and Head of the Department of Political Science, University of Sri Jayewardenepura - Sri Lanka

international cooperation, improved domestic incorporation, and institutional reforms capable of addressing contemporary forms of inter-state armed conflict. The study concludes by proposing legal and policy measures aimed at strengthening compliance with IHL, enhancing accountability for violations, and improving the protection of civilians and other protected persons during armed conflicts.

Introduction

The international humanitarian law (IHL) or law of war is utmost important concept with the rapid technological development of the weaponries, complex nature of the battle fields, and power struggle of the super power as well as the extremist ideologies in theories of war in modern contemporary world. As some authors described on this, “The law of armed conflicts is characterized by both simplicity and complexity”². IHL can be defined as a one of the branches of international law, which limit the use of violence in armed conflicts by: protecting those who do not or no longer directly participate in hostilities and restricting it to the amount necessary to achieve the aim of the conflict and could only be to weaken the military potential of the enemy. The aim of the IHL and the Human Rights basically protect the lives, health, dignity and property of the people by different approaches. Human rights are applying in all times while the IHL applies for armed conflicts to protect the victims of war. IHL has philosophical foundation through the religious values in some points³. The codes of wars were gradually developed through the ancient history⁴: “In the earliest societies, the victory was followed by massive massacre or unspeakable atrocities where the code of honor had completely prohibited surrendering and the worriers had to win or die. Even in that period also, the wounded soldiers were collected and cared”⁵. Modern international humanitarian law had been developed from the writings of Henry Dunant in 1859, Memory of

² DAVID Éric, *Principes de droit des conflits armés* (Brussels, Bruylant, 3rd edn, 2002) p. 921-922.

³ <https://www.scirp.org/journal/paperinformation.aspx?paperid=85407> accessed 09. 01.2023.

⁴ <https://international-review.icrc.org/sites/default/files/Soo2o86o4oo071539a.pdf> accessed 09.01.2023.

⁵ *Supra* note 2.

Solferino. First document of modern IHL was from 1863 after the Solferino⁶ war. Later, theory was gradually developed up to modern IHL.

The concept of law of war has long historical development since ancient era. Studying the barbaric tribes that still exist today can shed light on the characteristics of prehistoric individuals at the start of civilization. Such tribes would have upheld certain laws in Papua, such as giving opponents advance notice of impending conflict, delaying war until both sides are prepared, and postponing it for 15 days in the event that a soldier perished or suffered catastrophic injuries⁷.

The Sumerians viewed war as a state subject to legal regulation that was initiated by a war proclamation and ended by a peace treaty. The Code of Hammurabi, written by the Babylonian monarch Hammurabi (1728–1686 BC), ensured the protection of weak from oppressive hands of strong and rich. Cyrus I, King of Persia, commanded that the wounded warriors be treated and cared for like his own wounded soldiers in the seventh century BC. According to the Laws of Manu and the Indian epic Mahabharata (about 400 BC), murdering a surrendered enemy was strictly forbidden because they were helpless to defend themselves. Additionally, it guaranteed the preservation of enemy property and the status of prisoners of war and prohibited the use of certain weapons, such as poisonous or burning arrows⁸.

The Greeks believed that everyone should have equal rights in war, and they promoted respect for human life and individual dignity in both internal conflicts among Greek city-states and in Alexander the Great's campaign against the Persians. The right to life was likewise recognized by the Romans for their prisoners of war⁹.

Based on the Islamic perspective of the law of war, Muslims should not initiate fighting but have to fight against those who are fighting against Muslims as well as those who are not participating in fighting should be protected¹⁰. Moreover, with above influences, practices on war had been exercised based on the customs,

⁶ <https://www.icrc.org/en/doc/assets/files/publications/icrc-002-0361.pdf> accessed 03.01.2023.

⁷ Pictet, J, Development and Principles of International Humanitarian Law (Martinus Nijhoff Publishers, 1984) p. 6-7

⁸ Fleck, D, & Bothe, M, The Hand Book of International Humanitarian Law (3rd ed, Oxford University Press 1999) p.16.

⁹ Gill, T, Fleck, D. (Eds.) The Hand Book of the International Law of Military Operations (2nd ed, Oxford University Press, 2015) p.16.

¹⁰ Khan, H. K, Islam and International Humanitarian Law. (Paper Presented in 23rd SAT on International Humanitarian Law in Dhaka, 2013).

Martens clause (principles of humanity), until the Lieber code of 1863¹¹ – first codification of modern law of war¹².

Before the adoption of the Lieber Code, the conduct of soldiers during hostilities was mostly based on customs. Fragmented attempts to codify military discipline and principles of humanity had been tried in medieval and Renaissance times, for example by Richard II of England at Durham (1385), by Henry V of England at Mantes (1419), and by Charles VII of France at Orleans (1439), and in Scotland 's Articles and Ordinances of War for the Present Expedition of the Army of the Kingdom of Scotland (1643)¹³.

International humanitarian law basically finds its sources in treaties and in customary international law. The Article 38 of statute of the international court of justice has recognized under mentioned sources on IHL, i.e. international conventions(whether general or particular, establishing rules expressly recognized by the contesting states), international custom(as evidence of a general practice accepted as law), the general principles of law recognized by civilized nations and judicial decisions and the teachings of the most highly qualified publicists of the various nations (subject to the provisions of Article 59 of same statute).

The rules of international humanitarian law are set out in a series of conventions and protocols. The modern IHL includes the international law: Jus ad bellum and jus in bello (Jus ad bellum are the international rules pertaining to which extent the use of military force against another state is allowed - United Nations Charter and resolution no 2625 declared that "all Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state". Jus in bello are the international rules pertaining to how armed conflict must be conducted), Geneva Law, Hague Law, Customary Law and Case Laws.

The purpose of IHL is to protect the victims of armed conflicts and regulate hostilities based on a balance between military necessity and humanity. IHL must be distinguished from legal frameworks that may apply in parallel but which have

¹¹ <https://blogs.loc.gov/law/2018/04/the-lieber-code-the-first-modern-codification-of-the-laws-of-war/> accessed 07. 01. 2023.

¹² Thedor Meron, *The Humanization of International Law*, (martinus nijhoff publishers, 2006).

¹³ Theodor Meron, *Francis Lieber's Code and Principles of Humanity*, 36 Colum. J. Transnat'l L. 269, 280 (1998).

different objects and purposes, such as the UN Charter, the law of neutrality, human rights law and international criminal law. The belligerents must meet their humanitarian obligations in all circumstances, regardless of the enemy's conduct and of the nature or origin of the conflict. Although IHL is today one of the most densely codified and ratified branches of international law, its rules can also be derived from custom and general principles of law. Recent political, social, economic and technological developments pose fresh challenges to the fundamental achievements and faithful implementation of IHL. The world of IHL is divided into two areas of application; the rules protecting the victims of war are called "Geneva Law" and those rules governing weapons and methods of warfare are called "Hague Law". In this work the researchers focus on international armed conflict between two states (inter- state armed conflict).

Review of the Literature

This part deals with the review of existing literature in order to acquaint the available body of knowledge and thereby to find out the gaps, lacunas or ambiguities in this particular area of research. Hence, conducting the research it is expected to survey the literature on the general aspects of IHL, IHRL and international law perspective. The literature review is divided in to several themes in respect of the literature that would be surveyed.

Books & Articles Background Reading on IHL, IHRL and international law

Constraints on the Waging of War: the book written by Frits Kalshoven and Liesbeth Zegveld elaborated the basic legal concepts as an easy reference to public. This work is helpful for basic understand the IHL¹⁴.

Unravelling unlawful confinement in contemporary armed conflicts: belligerents' detention practices in Afghanistan, Syria and Ukraine: the journal article written by Jelena Plamenac explores how States and armed groups deprive the liberty of the people in armed conflict. Intriguing insights into original field records of internal laws and first-hand testimonies by fighters¹⁵. But failed to appreciate the IHL violations on inter- state conflicts.

¹⁴ Frits Kalshoven, Liesbeth Zegveld, *Constraints on the Waging of War*, (ICRC, 2001).

¹⁵ Jelena Plamenac, *Unravelling unlawful confinement in contemporary armed conflicts: belligerents' detention practices in Afghanistan, Syria and Ukraine*: M. Nijhoff, 2022. – XV.

Armed escorts to humanitarian convoys: an unexplored framework under international humanitarian law: the book of Annabel Bassil discussed the use of armed escorts to humanitarian convoys delivering humanitarian assistance potentially increases the targeting of these convoys, yet so far this use has not been examined from the perspective of international humanitarian law (IHL).there should be attempts to determine whether the resort to armed escorts is in line with the principle of passive precautions under IHL, how the principle of proportionality could apply in cases of attack against the escort, and whether the convoy turns into a military objective when escorted¹⁶.

Conflict-related UN sanctions regimes and humanitarian action: work done by Rebecca Brubaker and Sophie Huvé, offers a brief overview of the potential interplay of United Nations (UN) sanctions regimes applied in contexts of armed conflict and humanitarian action. It traces how this issue has emerged within the counterterrorism (CT) sphere, before examining the possibilities of compatibility and risks for humanitarian action in conflict-related sanctions regimes. The paper lays out research gaps and outlines a new path for policy research focused on UN sanctions regimes imposed in the context of armed conflicts (“conflict-related”) yet falling outside the pure CT space. The paper concludes by illuminating why establishing further evidence on this issue is critical to both the legitimacy and the effective use of UN sanctions¹⁷.

Siege starvation: a war crime of societal torture; the article written by Tom Dannenbaum elaborated on the moral philosophy of torture, this Article offers a different normative theory of the crime. Starvation, like torture, is peculiarly wrongful in its distortion of victims’ biological imperatives against their capacities to formulate and act on higher-order desires, political commitments, and even love. This process does not merely raise the cost of fulfilling those commitments. Instead, starvation tears gradually at the very capacity of those affected to prioritize their most fundamental commitments, regardless of whether they would choose to do so under the conditions necessary to evaluate matters with a “contemplative attitude.” Rather than palliating, the slowness of starvation methods is at the crux of this

¹⁶ Annabel Bassil, *Armed escorts to humanitarian convoys: an unexplored framework under international humanitarian law*: International review of the Red Cross, Vol. 102, no. 914, 2020.

¹⁷ Conflict-related UN sanctions regimes and humanitarian action: a policy research overview Rebecca Brubaker and Sophie Huvé. In: International review of the Red Cross, Vol.103, no. 916-917, 2021.

torturous wrong. Recognizing this redefines the meaning and place of the crime in the framework of international criminal law¹⁸.

International Humanitarian Law: Rules, Controversies and Solutions to Problems Arising in Warfare: the book by Marco Sassòli, begins with a treatment of the relationship between IHL and other branches of international law: IHRL, international criminal law, migration law, law related to peacekeeping operations, and the law of neutrality. This is a valuable contribution for all readers, but particularly for the practitioner who might have extensive expertise in IHL itself but limited opportunities to explore these intersections – junctions which can have such profound practical and operational impact¹⁹.

The Practical Guide to Humanitarian Law: the work of Francoise Bouchet-Saulnier described

Principles of IHL, human rights treaties, international refugee law, the rules that govern peacekeepers, the UN Charter and UN Conventions, international criminal law, and case law of national and international courts. The book also describes and characterizes the institutions that have created this body of law, or that are responsible for observing and implementing its provisions: UN system organizations, regional organizations and international judicial bodies. This broad coverage, the author argues, is necessary in order for the compendium to “serve as a practical guide to the range of uses of international law in the context of aid activities and in the management of armed conflicts and other situations of crisis”²⁰

International Legal Instruments: International humanitarian law finds its sources in treaties and in customary International law. The rules of international humanitarian law are set out in a series of conventions and protocols. Particular instruments are reviewed by the researcher. The following instruments form the core of modern international humanitarian law: The Hague Regulations respecting the Laws and Customs of War on Land; The Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the

¹⁸ Tom Dannenbaum, *iege starvation: a war crime of societal torture*. In: Chicago journal of international law, Vol. 22, no. 2, Winter 2022.

¹⁹Marco Sassòli, *international Humanitarian Law: Rules, Controversies and Solutions to Problems Arising in Warfare* (Edward Elga publishing limited, 2019).

²⁰ Francoise Bouchet-Saulnier, Laura Brav and Camille Micheil (eds), *The Practical Guide to Humanitarian Law* (first published 2006, Lanham, 2014).

Field; The Geneva Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea; The Geneva Convention (III) relative to the Treatment of Prisoners of War; The Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War; The Protocol Additional to the Geneva Conventions and relating to the Protection of Victims of International Armed Conflicts (Protocol I); and The Protocol Additional to the Geneva Conventions and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II).

The Hague Regulations are generally considered as corresponding to customary international law, binding on all States independently of their acceptance of them. The Geneva Conventions have attained universal ratification. Many of the provisions contained in the Geneva Conventions and their Protocols are considered to be part of customary international law and applicable in any armed conflict. Thirteen other international treaties dealing with the production, use and stockpiling of certain weapons are also considered part of international humanitarian law, insofar as they regulate the conduct of armed hostilities and impose limitations on the use of certain weapons. Some of these conventions are: The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction; The Convention on Cluster Munitions; The Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction; The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction; The Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects; and The Treaty on the Non-Proliferation of Nuclear Weapons. The International Committee of the Red Cross (ICRC) has a special role under international humanitarian law.

UN General Assembly Resolution, Four Geneva Convention 1949 and Additional protocol I, ii, Hague convention and other relevant conventions. UDHR, UN ICESCR, UN ICCPR, UN Convention Against torture and Reports of Special Rapporteurs also have given some fundamental background on the IHL. Above instruments have laid down the basic rules on IHL.

International Case Law Study

Prosecutor v. Radoje Lalovic' and Soniboj kiljevic', Case No. S1 1 K 005589 11 Kžk, Appellate Division of the War Crimes Chamber of the Court of Bosnia and Herzegovina, 11 July 2011 On 16 June 2010, under Article 172(1)(h) of the country's Criminal Code, the Court of Bosnia and Herzegovina found Mr. Radoje Lalovic', in his capacity as warden of the Butmir Correctional Institution (KPD) in Kula, and Soniboj Škiljevic', in his capacity as deputy warden, guilty of crimes against humanity and sentenced them respectively to five and eight years' imprisonment.

Regina v. Mohammed Gul [2012], Court of Appeal of England and Wales, Criminal Chamber 280 The appellant, Mohammed Gul, was convicted, among other charges, of terrorism in early 2011 for uploading videos on the Internet inciting people to fight against coalition forces in Afghanistan. In his appeal, the applicant's counsel used both criminal law and international humanitarian law (Geneva Conventions and customary law) to uphold the contention that combatants from non-governmental armed factions who attacked military forces were immune from prosecution under domestic criminal law, even in non-international armed conflicts, owing to the fact that they were engaged in a struggle against the government.

The most well-known form of prosecution for violations of IHL is an international war crimes tribunal. The first tribunals were the **International Military Tribunals held in Nuremberg (1945-1946) and Tokyo (1946- 1948)** after World War II. These ad hoc tribunals were exceptions to the general means of IHL enforcement. More commonly, war crimes trials were conducted by States in accordance with their domestic legislation. For example, after World War II, trials of German war criminals were held in France, Netherlands, Poland and Israeli.

International Criminal Tribunals for the former Yugoslavia (ICTY) and Rwanda (ICTR) by the United Nations (U.N.) Security Council in 1993 and 1994, respectively. These tribunals have been granted powers to hear cases addressing the Grave breaches of the Geneva Conventions, including willful killing, torture and inhumane treatment; Violations of the laws and customs of war; Genocide; and Crimes against humanity, such as murder, deportation, torture and rape.

Perusal of the existing literature and review of particular works on the subject of IHL, there are several important areas have been covered but fails to consider some aspects too.

The literature review discloses the gap on the modern inter-state conflicts and application of IHL particularly on contemporary armed conflicts. This research is to cover the relevant gap on the specific area of inter-state armed conflicts on the subject with reference to Ukraine- Russian conflict.

This research project is utmost important and relevance to the modern controversial military invasions initiated by the superpower with authority possess by Vito power to study and disclose the strengths as well as weaknesses of the international humanitarian law. Moreover, the significance of this research is to identify the lacuna, ambiguities and loopholes of IHL in inter-state armed conflict and to make necessary recommendations. Specially, to protect the vulnerable parties during the conflict and the responsibility of international community during the conflict. The research forms a fresh perspective in relation to the IHL since it seeks to identify the possibility. Hence the research looks at the IHL in the light of inter-state armed conflicts.

Hypothesis/core argument

The core argument of the research is that application of IHL on inter-state conflict based on the international obligation agreed upon by the state parties should be respected and international community and United Nations Organization too owed positive obligations on the part of the regulatory authority to ensure the sound application of international obligations.

Theoretical approach

The research would be based on a Liberal Democratic theory influenced by the Post-modernist and Ideological schools and the Critical Legal Theory. The theoretical basis is also founded on the Natural Law and Natural Law rights in the province of jurisprudential. It is also based on a rights-based approach and the theory of public international law the core principle that runs throughout this research is the theory of rule of law in the context of international law.

Methodology

The qualitative data analysis would be utilized based on Content Analysis, Narrative Analysis, and Discourse Analysis and Grounded Theory mixture.

❖ Research design

The research would have a survey of laws in the national legal framework and the international instruments as well as mechanisms. For these purposes the statutes and the articles and committee report and the United Nations documents and Reports relating to the subject are perused and considered.

Discussion

❖ International Humanitarian Law application on inter-state conflicts

The IHL apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them. A State can always pretend, when it commits a hostile act against another State, that it is not making war, but merely engaging in a police action, or acting in legitimate self-defense. The interpretation of 'armed conflict' makes such arguments easy.

The ICTY confirmed in **The Prosecutor v. Dusk Tadić case** ²¹ that “an armed conflict exists whenever there is a resort to armed force between states...” This definition has since been used several times by the ICTY's Chambers and by other international bodies. When the armed forces of two States are involved, suffice it for one shot to be fired or one person captured (in conformity with government instructions) for IHL to apply, while in other cases (e.g., a summary execution by a secret agent sent by his government abroad), a higher level of violence is necessary.

The same set of provisions also applies “to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no resistance.”. In application of a standard rule of the law of State responsibility on the attribution of unlawful acts, a conflict between governmental forces and rebel forces within a single country becomes of international character if the rebel forces are de facto agents of a third State. In this event, the latter's conduct is attributable to the third State and governed by the IHL of international armed conflicts. The greater part of IHL provisions applicable to the present conflict and most relevant for as the Ukrainian Monitoring Initiative are included in the Four Geneva Conventions.

²¹ International Criminal Tribunal for the former Yugoslavia (ICTY) Appeals Chamber, The Netherlands

These set forth specific rules for the treatment of the wounded and sick armed forces in the field and at sea (GC I and GC II), the treatment of prisoners of war (GC III) and the protections afforded to the civilian population caught up in international armed conflicts including in occupied territories (GC IV). Moreover, Additional Protocol I supplement these protections and further details and codifies the rules on the means and method of warfare in international armed conflicts. The 1907 Hague Regulations²² are also particularly relevant as they provide, among others, important provisions on the basic principles governing the regime of belligerent occupation.

With regard to the use of weapons, international law specifically prohibits the use of certain weapons under any circumstances and such prohibition is in most cases of a customary nature, which means that it binds all States regardless of their treaty commitments. This is the case, for instance, of the prohibition of biological and chemical weapons. The prohibition of some other weapons, or the limitation of their use, has not reached a customary nature and the lawfulness of their use depends on the ratification by States of specific conventions.

Both Ukraine and the Russian Federation are parties to the Convention on Certain Conventional Weapons (CCW) and related Protocols prohibiting the use of non-detectable fragments (CCW Protocol I), and blinding laser weapons (CCW Protocol IV), and limiting the use of mines, booby-traps and other devices (CCW Protocol II), as well as incendiary weapons (CCW Protocol III), and explosive remnants of war (CCW Protocol V). Furthermore, Ukraine is a party to the Convention on Anti-Personnel Landmines whereas the Russian Federation is not and neither Ukraine nor the Russian Federation are parties to the widely ratified Convention on Cluster Munitions. The use of these weapons, which are not specifically prohibited under international law, is regulated by the basic principles related to the conduct of hostilities under IHL, namely the principle of distinction, proportionality and precautions in attack.

Jus ad bellum are the international rules pertaining to which extent the use of military force against another state is allowed. The Prohibition against use of force: The UN Charter Article 2 (4): The use or threat of use of force against states is prohibited, the only exceptions: The UN Charter Articles 39 – 41 and the right of

²² 1907 Hague Convention IV with its annexed Regulations concerning the Laws and Customs of War on Land

(Hague Regulations)

self-defense (Article 51). Jus in Bello are the international rules pertaining to how armed conflict must be conducted: Protection of civilians, Protection of combatants, Means and methods of warfare.

Furthermore, the basis for the assertion of universal jurisdiction over war crimes is to be found in both treaty law and in customary international law. However, individuals or groups of individuals actually commit the violations of IHL, three key mechanisms deal with the responsibility of individuals for violating IHL: military discipline systems and/or military law; prosecution before national courts based on national criminal law; and prosecution of war crimes before international criminal tribunals. Prosecution before national courts Not all violations of IHL are war crimes; only certain serious violations of IHL will give rise to criminal responsibility. The Geneva Conventions 1949 require states to criminalize certain serious violations of IHL, known as grave breaches. AP I 1977 adds further grave breaches that will give rise to criminal responsibility²³.

Other treaties may also require states to establish criminal laws to enforce the treaty's provisions. These may be found in specific weapons treaties or treaties relating to the protection of cultural property as an example. However, it has now been generally accepted that individual criminal responsibility arises for certain serious violations of IHL, regardless of whether they are committed in IACs or NIACs.

Prosecution before international criminal courts (ICC) States bear the primary responsibility for investigating and prosecuting war crimes. However, there are situations where a state may be unable or unwilling to prosecute war crimes, for example, when the state's judicial system has collapsed due to conflict or when the crimes implicate the current government. In addition to the permanent International Criminal Court, the UN Security Council and states have established several ad hoc international criminal tribunals to strengthen the system of IHL enforcement.

The UN Security Council may refer a situation to the ICC and plays a role in relation to jurisdiction for the crime of aggression. The ICC may exercise jurisdiction in respect of four 'core crimes': genocide; crimes against humanity; war crimes; and aggression. Both genocide and crimes against humanity are perpetrated in either peacetime or in times of armed conflict. As the both Russia and Ukraine not a party

²³ <https://international-review.icrc.org/sites/default/files/irrc-874-4.pdf>, accessed 09.01.2023.

to Rome statute ICC cannot work on it, but the Ukraine already had agreed to accept the ad hoc tribunal's decisions, enables for investigations. On Russian violations only, ICC can initiate case on crime of Aggression which carried out in jurisdiction Ukraine²⁴.

❖ **Human Rights and International Law perspective on inter-state conflicts**

Both international humanitarian law (IHL) and international human rights law (IHRL), Evan if, from distinct perspectives, aim to safeguard people's lives, health, and dignity. However, IHL regulations address a variety of difficulties that are not covered by IHRL, including hostilities, status as a fighter or prisoner of war, and the preservation of the Red Cross and Red Crescent symbols. IHRL also addresses aspects of civilian life that are not covered by IHL, such as the freedom of the press, the right to assemble, cast a ballot, and go on strike. Moreover, the customary international law too applies to the both concepts.

IHL only applies during the armed conflicts and its main treaty sources applicable in international armed conflict are the four Geneva Conventions of 1949 and their Additional Protocol I and II of 1977. While the IHRL is a system of international laws that have been created by treaty or custom and that individuals and groups can count on to demand particular actions or benefits from governments. Human rights are inalienable rights. Which, by virtue of being human, belong to everyone. The collection of international human rights standards also includes a number of principles and standards that are not based on treaties ("soft law").

United nations Charter and Universal declaration of human rights (UDHR) are utmost important documents on this and main treaty sources of IHRL are the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights (ICCPR, ICESCR - 1966), as well as Conventions on Genocide (1948), Racial Discrimination (1965), Discrimination Against Women (1979), Torture (1984) and Rights of the Child (1989). The main regional instruments are the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950), the American Declaration of the Rights and Duties of Man (1948) and Convention on Human Rights (1969), and the African Charter on Human and Peoples' Rights (1981).

²⁴ <https://www.asil.org/insights/volume/26/issue/4> accessed 12.01.2023.

IHL is increasingly seen as a component of IHRL that applies to armed conflict. This development can be likened to the UNHR Conference in Tehran in 1968, which not only promoted the development of IHL per se but also indicated the begin of the United Nations utilizing humanitarian law more frequently when assessing the state of human rights in particular nations or when conducting thematic studies

The recourse to war is no longer a legal means of regulating conflict in contemporary IHL. In general, humanitarian law is now less perceived as a code of honor for combatants than as a means of sparing non-combatants as much as possible from the horrors of war. From a purist human rights point of view, based as it is on respect for human life and wellbeing, the use of force is in itself a violation of human rights. This was indeed stated at the 1968 Human Rights Conference in Tehran as follows: "Peace is the underlying condition for the full observance of human rights and war is their negation²⁵". However, the same conference went on to recommend further developments in humanitarian law in order to ensure a better protection of war victims.

❖ Domestic Legal Position Relating to Russian- Ukraine conflict

Russia is not a member to ICC at the moment and the Russia's implementation of IHL into domestic law is insufficient, despite the initial openness of its 1993 constitution towards international law.

However, it is Russia's IHL record on the battlefield since 1991 that is best suited to illustrate a sad truth: Russia seeks to systematically evade the restrictions that IHL imposes on warfare. In order to do so, Russia has been resorting to three "tools": The first tool Russia blurs the lines between war and peace and thus avoids the law by denying the very application of IHL as a whole. This is best exemplified by the two Chechen Wars (1994-1996 and 1999-2009). Despite the fact that hostilities dragged on for more than a decade and caused tens of thousands of civilian casualties, Russia never accepted the applicability of IHL to what it called a "fight against bandits" outside the scope of international law.

The second tool is Russia avoids IHL by outsourcing warfare to a special kind of proxy. While outsourcing has been a common phenomenon among all states waging war, Russia uses special proxies such as the infamous Wagner Group (which has been active in Ukraine since 2014 and recently was allegedly tasked with killing

²⁵ <https://international-review.icrc.org/sites/default/files/Soo2o86o4o0o71539a.pdf>, accessed 08.01.2023.

Zelensky). These proxies carry out offensive missions, are unregulated by Russian law, and maintain a high degree of deniability which makes it difficult to attribute IHL violations to the Russian State.

As a third and final tool, when confronted with possible IHL violations, Russia simply denies the facts that form the basis of the allegation. This mostly concerns armed conflicts in which Russia openly admits the involvement of its troops and even accepts the de jure applicability of IHL, for example in the Russo-Georgian War (2008) or the war in Syria (since 2015). Russia never engaged in any discourse on the law (e.g., by providing legal counterarguments) when confronted with these allegations. It rather resorted to a policy of denying irrefutable facts, thus stalling any legal debate.

Even though Ukraine is not a signatory to Rome Statute, since the past conflict erupted, a number of attempts have been undertaken to negotiate an end to the hostilities, with the so-called “Minsk Agreements”. The first Minsk Protocol was signed on 5 September 2014 by representatives from Ukraine, the Russian. Shortly after the signing of this protocol, the ceasefire was reportedly broken, most notably during heavy shelling of the city of Mariupol in January 2015. Later, Government of Ukraine has begun to seek accountability for crimes committed during the conflict, relying upon both international and domestic mechanisms. Concerning international efforts, the Government of Ukraine submitted two “Declarations” to the ICC according to the article 12(3) of Rome Statute, accepting its jurisdiction to investigate the crimes of genocide, crimes against humanity and war crimes committed in Ukraine during the past conflict.

❖ **Alleged IHL violation by Russia**

It is very clear that, the Article 2(4) of the United Nations Charter (UN Charter) prohibits states from using force against the territorial integrity or political independence of other states. Russia's use of force on Ukraine contrary to UN Charter.

Over the past period, Russian forces have carried out multiple ground and aerial attacks. Several attacks have been launched against civilian objectives, such as the March 9 assault on a Mariupol maternity hospital, numerous other attacks on medical facilities, and most recently the Amstor shopping Center on June 27 in Kremenchuk. International humanitarian law, through both treaties as well as customary law, prohibits states from internationally targeting civilian objectives.

Russian forces have likely violated is the principle of proportionality, which prohibits attacks expected to cause excessive incidental civilian harm in relation to the concrete military advantage anticipated as well as the principle of precaution, which dictates that during the conduct of military operations, constant care must be taken to spare the civilian population, as well as civilian objectives. In addition, members of the Russian military have mistreated and tortured civilians, as well as carried out rapes and other forms of sexual violence; these acts constitute additional blatant violations of international humanitarian law. Incidents of forcible disappearance and killed citizens in improvised jails by Russian military have been reported²⁶. Russian armed troops carried out unauthorized killings, including summary executions of people, in more than 30 communities in the Kyiv, Chernihiv, Kharkiv, and Sumy regions²⁷.

The Iranian complicity in Russia's internationally wrongful conduct in Ukraine through the provision of so-called 'kamikaze drones' to Russia, thereby assisting the commission of aggression and violations of IHL. In this matter, have to be examined in detail why Iran's assistance satisfies the culpability requirements for state responsibility for complicity under both general international law and IHL.

Siege warfare and its devastating humanitarian consequences have been one of the defining features of contemporary armed conflicts. While the most apparent restriction of siege warfare appears to be provided by the prohibition against starvation of the civilian population as a method of warfare, the prevailing restrictive interpretation of this prohibition has left civilians remaining in a besieged area unprotected from the hardships they endure.

❖ Alleged IHL violation by Ukraine

Prisoners of war having been subjected to torture, ill-treatment, and incommunicado detention by Ukraine armed forces. It is a serious violation of IHL to force civilians to serve in the armed forces of a hostile nation. Ukrainian authorities should not be allowed to charge men who were forcefully recruited with crimes for just taking part in hostilities.

²⁶<https://osce.usmission.gov/on-international-humanitarian-law-in-the-osce-region/>accessed 09.01.2023.

²⁷<https://www.voanews.com/a/gross-human-rights-violations-mark-ukrainewar/6877702.html#:~:text=The%20U.N., Human%20Rights%20Council,> accessed 07.01.2023.

The civilian population has served as a human shield for Ukrainian soldiers against Russian attacks. Indeed, seeking to protect military activities and people by being close to civilians appears to be a fruitless policy for Ukraine given the Russian record of either hitting civilians directly or launching indiscriminate assaults.

The Ukrainian military has placed soldiers close to residences, apartment complexes, agricultural storage facilities, hospitals, and schools, using the civilian areas as a base of operations and a staging ground for strikes on Russian forces²⁸.

Especially, the controversial attack on the Kerch Strait Bridge, in which, one argues that, on the assumption that Ukraine was responsible for this attack while others as it is a military objective based on if the attack complied with the principles of proportionality and precaution. On the assumption that the bridge was attacked using a truck bomb, the driver of the truck was an unwitting tool of Ukrainian agents. Moreover, if it was the case his death too violation of both IHL and human rights law.

❖ **Impact and legal consequences of IHL violations by parties**

The so-called “principle of distinction,” a tenet of international humanitarian law, was first set forth in the St. Petersburg Declaration, indirectly reaffirmed in the Hague Regulations, and clearly codified in Articles 48, 51(2) and 52(2) of Additional Protocol I to the Geneva Conventions, which provide that Parties to an armed conflict must “at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives.” It is abundantly clear that Russian leaders have deliberately ordered attacks against non-military objectives, such as hospitals, medical facilities, and shopping centers violating the established law.

The individual criminal liability can be imposed based on universal jurisdiction. Acts which constitute war crimes in all conflicts include those mentioned above, deliberately targeting civilians who are not directly taking part in hostilities, mistreating and torturing civilians, and rape and other forms of sexual violence. Therefore, it is clear that Russian forces have committed war crimes in Ukraine.

After analyzing whether the encirclement and isolation aspect of a siege can be considered an attack in the sense of Article 49(1) of Additional Protocol I (AP I), to

²⁸ <https://lieber.westpoint.edu/amnesty-allegations-ukrainian-ihl-violations/> accessed 09.01.2023.

which the proportionality principle applies, authority must investigate how this principle operates in the context of a siege. It will be demonstrated that Article 57(2) (b) of AP I requires that the proportionality of a siege must be continuously monitored.²⁹

Russia has basically violated the Article 2(4) of UN Charter by using force against Ukraine, international community should take actions on that account.

It appears that three fundamental sorts of crimes are being committed by Russia: an aggression war, war crimes, and genocide and U.N. General Assembly's majority of members acknowledged Russia as the aggressor. Unfortunately, the fact that Russia's veto authority prevents the U.N. Security Council from taking action, numerous governments accused Russia of violating the *jus ad bellum* at a Security Council meeting on September 27.

The Independent International Commission of Inquiry on Ukraine and the International Criminal Court (ICC) have both compiled evidence of actions that appear to be war crimes, including as indiscriminate murders and sexual and gender-based abuse against civilians. Moreover, the ICJ is the principal judicial organ of the United Nations (UN), instituted by Articles 92 to 96 of the UN Charter. The Court is competent to settle disputes submitted by States that have accepted its jurisdiction, in accordance with international law, through judgments that are binding and without appeal for the parties concerned. Neither Ukraine nor Russia have made a declaration accepting the ICJ's compulsory jurisdiction under Article 36 of the ICJ's statute. Therefore, the ICJ's competence in the Ukraine case derives solely from the Genocide Convention, which both Russia and Ukraine have ratified. It obliges state parties to prevent and punish genocide and gives the Court jurisdiction over disputes between parties relating to 'interpretation, application or fulfilment' of the Convention.

The International Court of Justice (ICJ) conducting investigation on war crimes during the Russian invasion in Ukraine. The case at the International Court of Justice on 26 February 2022, the Ukrainian Government lodged a case, regarding 'Allegations of Genocide under the 1948 Convention on the Prevention and Punishment of the Crime of Genocide and requested that the Court order provisional measures, including an immediate suspension of the military operations. The ICJ rejected the argument of Russia that, because it was basing its

²⁹ <https://www.icj.org/ss34hrc/> accessed 11.01.1023.

use of force on self-defense under article 51 of the UN Charter, the Court had no jurisdiction as the Genocide Convention was inapplicable, Court rejected Russia argument and held it does have jurisdiction under the Genocide Convention.

The Court fast-tracked the procedure and, on Wednesday 16 March 2022, announced its decision to order the following provisional measures: Russia must suspend the military operations launched in Ukraine on 24 February immediately; Russia must ensure that any military or irregular armed units directed or supported by it, and any organizations and persons under its control take no steps to advance the military operations; Both parties must refrain from any action which might aggravate or extend the dispute before the Court or make it more difficult to resolve³⁰.

Furthermore, there are three cardinal principles that regulate the way in which a party to an armed conflict may carry out military operations, i.e., the principles of distinction, proportionality and precautions, all codified in Additional Protocol I and all customary international law. They aim to protect civilians against the effect of hostilities the parties to the conflict should respected.

The principle of distinction requires that the parties to an armed conflict distinguish at all time between civilians and civilian objects on the one hand, and combatants and military objectives on the other. There are reports of civilians in Ukraine taking up arms. Some will be incorporated into units of the armed forces, others not. Some will only take up arms sporadically. In such a fluid situation, one of the most important rules to remember is the presumption of civilian status. Civilians who do not directly participate will remain protected from any attack by IHL.

A number of objects, such as hospitals, goods indispensable for the survival of the population, cultural property or installations containing dangerous forces enjoy specific, additional protection. Starvation of civilians as a method of warfare is prohibited, and purposefully spreading terror among the civilian population is equally prohibited. Attacks directed against a combatant or another military objective must respect the principle of proportionality. A party to an armed conflict must take constant care to spare civilians or civilian objects when carrying out military operations.

30

[https://www.europarl.europa.eu/RegData/etudes/ATAG/2022/729350/EPRS_ATAG\(2022\)729350_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2022/729350/EPRS_ATAG(2022)729350_EN.pdf) accessed 11.01.2023, <https://www.icj.org/ss34hrc/> accessed 11.01.2023.

Humanitarian law and specific weapons treaties prohibit the use, production, stockpiling, or selling of certain kinds of weapons. IHL has outlawed specific types of weapons through a series of international treaties, in particular biological, chemical and nuclear weapons, blinding laser weapons, anti-personnel landmines and cluster munitions. While the Parties have not signed the Convention on Cluster Munitions, and Russia is not a Party to the Anti-Personnel Mine Ban Convention, the ICRC condemns any use of such weapons by any actor in any conflict.

Each party to the conflict must take the necessary measures to account for protected persons in its power – the wounded, sick and dead military personnel, prisoners of war and protected civilians deprived of their liberty. It must collect, centralize and transmit the required information to the other side through the ICRC's Central Tracing Agency acting as a neutral intermediary. All actions to prevent people from going missing or search for them 'shall be prompted mainly be the right of families to know the fate of their relatives'. The 1949 Geneva Conventions contain specific rules governing conditions of detention and ensure the ICRC access to detainees both prisoners of war and civilians.

The parties to the conflict should adhere with the accepted IHL principals to minimize the sufferings of the protected parties and objects, as they are responsible for the consequences of their own actions.

❖ **Strengths and weaknesses of the legal regime on inter-state armed conflicts**

The non-compliance of non-state actors such as strategic military concerns, likelihood of prosecution under domestic law, lack of knowledge of international norms, ideology as a cause for deliberate violation and a lack of "ownership" over international norms would negatively affects to weakened the IHL regime. As an example, the appropriate in proxy wars.

Another weakness is the Asymmetric Warfare, an increase in the diversity of situations of armed conflict, ranging from conditions utilizing the most advanced technology and weapons systems by sophisticated government militaries (for example, the US) in asymmetric warfare, to instances characterized by low technology and a high degree of fragmentation of parties to the conflict too affects the IHL and have to answer this development too.

State Power: The State itself that disregards principles of IHL in times of armed conflict. The monopolization of violence by the state and its perceived role of right

authority to wage war have undoubtedly played a fundamental role in the development and application of IHL as Russia created a war in Ukraine and misuse the veto authority possesses. This matter also has to be addressed.

Additionally, one of the most controversial and ambiguous challenges to International Humanitarian Law in the 21st century is the development of the so-called War on Terror declared following the attacks on September 11, 2001 to bypass compliance with the Geneva Conventions.

The principle of reciprocity continues to form a critical component of the law of war and structures both theoretical and pragmatic discourse. But in the context of modern warfare, negative reciprocity, and the justification of humanitarian violations by citing an opposing force's violations is commonly expressed. Although reciprocity is not a legal justification for humanitarian violations, the idea of positive reciprocity is undoubtedly a non-legal incentive for better respect of humanitarian norms, and should be encouraged.

The Right to Protect (R2P) principle have not been exercised by the UN on Russian Ukraine armed conflict. But surprisingly this concept used for hidden agendas of superpowers can be seen. Moreover, IHL treaties and UN sanction regime too have to be updated accordance with the modern context.

Recommendation / Conclusion

On Ukraine armed conflict the immediate steps that parties should take to uphold the principles of distinction, proportionality and precaution. In addition, essentially, refrain from using weapons that are inadequate for populated areas and cause such great suffering, allow civilians to leave besieged or encircled areas, if necessary through agreements on ceasefires, humanitarian safe passage, or other forms of agreements, paying special attention to groups with specific risks such as the wounded and sick, persons with disabilities, older persons, children or maternity cases, avoid as much as possible to place military objectives and to fight from positions in or near densely populated areas and limits on the choice of weapons constitute an important part of the law on the conduct of hostilities. In general, IHL prohibits any weapon 'of a nature to cause superfluous injury or unnecessary suffering' and any that have indiscriminate effects.

Efforts to enhance respect for IHL should be taken by all parties to armed conflict; by States, at the national, regional, and international level; and by all actors that can influence those involved in the fighting. Integrating IHL into domestic law and

military doctrine is only the starting point for enhancing respect for it. These processes include the effective investigation by States of their own forces for alleged violations of IHL, measures by actors supporting parties to armed conflicts to further respect for IHL among those they support, examining and applying the findings of case studies on the roots of restraint in war and presenting concrete examples of IHL compliance.

To establish proper procedure on obligation of the High Contracting Parties to the Geneva Conventions and Additional Protocol I, applicable in international armed conflict, to enact any legislation necessary to provide effective penal sanctions for persons suspected of having committed or ordering the commission of grave breaches of their provisions.

Other “serious violations of the laws and customs of war” that may be committed in international armed conflict must also be dealt with. Under customary IHL, States must investigate all war crimes committed by their nationals or on their territory, and other war crimes over which they have jurisdiction, and, if appropriate, prosecute the suspects. A list of “other serious violations of the laws and customs of war”, generally considered to reflect customary law, is provided for in the Statute of the International Criminal Court, therefore, both parties should adhere with these obligations.

It should be noted that apart from the “repression” of grave breaches and other “serious violations of the laws and customs of war”, including by means of criminal prosecution, States also have a duty to “suppress” other violations of IHL. “Suppression” refers to administrative measures that States may take to deal with non-criminal violations of IHL, such as administrative investigations.

Ensuring respect for IHL includes an obligation not to encourage, aid or assist in violations of IHL, as well as a due-diligence obligation to take proactive steps to influence parties to conflict and bring them to an attitude of respect for IHL. The obligation to ensure respect for IHL is an obligation of means and not of result, and States have very broad discretion in choosing measures with which to exercise influence.

Even though, the Geneva Conventions are among the few international treaties that have achieved universal ratification, unfortunately they are not universally respected, as demonstrated by the tragic reports of violations in many armed conflicts, with disastrous consequences for civilians and persons hors de combat. The impression that IHL is more often violated than respected is reinforced by an

ever-higher level of medicalization of IHL violations, which has unfortunately led to a discourse about the effectiveness of IHL and a tendency to question its impact. Hence, international community have to be vigilant to protect the concept. The UN and regional mechanisms and the ICC as well as ICJ to need to be strengthen to sound enforcement of IHL.

In many instances as Russia did, belligerents state openly that they consider it in their own interest to operate in accordance with IHL, even beyond the legal and moral obligation to do so. International community and authority have to be conduct operations continue to encounter manifold positive examples of IHL application around the world. Instances of respect for IHL can be seen when parties to conflict make arrangements to facilitate the implementation of specific IHL norms, such as to cooperate in searching for and/or identifying the remains of missing people. Such agreements are often trust building measures that may pave the way for enhance the IHL.

Conflict-related UN sanctions regimes, IHL treaties and mechanisms and humanitarian action too have to be strongly developed to suit the contemporary armed conflicts.

It is essential for the law to continue playing its role by providing realistic solutions to the matters of most serious humanitarian concern in armed conflicts. There should be stronger rules are required in the areas identified in the course of IHL. It is evidence that some of the major humanitarian problems and that existing international humanitarian law is not always able to provide a completely satisfactory response. As the Russian armed conflict in Ukraine exhibits the non-compliance and misuse of veto and superpower to undermine the IHL as well as the other countries on asymmetric wars. Given the magnitude of those problems, the stakeholders must be engaged in in-depth dialogue on the legal loopholes, ambiguities and shortcomings that remain and the best means of remedying them to uplift the IHL concept to protect, respect and promote with the support from the international community. It is especially important for the States to be closely associated in any dialogue aimed at attaining that objective. To assert the endeavors of IHL, the States and the components of the International UN, Red Cross and Red Crescent Movement and international community have to be extended their fullest concern.

Bibliography

Books/journals

Agathe Sarfati, International humanitarian law and the criminal justice response to terrorism: From the UN Security Council to the national courts: International review of the Red Cross, Vol. 103, no. 916-917, 2021.

Annabel Basil, Armed escorts to humanitarian convoys: an unexplored framework under international humanitarian law: International review of the Red Cross, Vol. 102, no. 914, 2020.

Conflict-related UN sanctions regimes and humanitarian action: a policy research overview Rebecca Brubaker and Sophie Huvé. In: International review of the Red Cross, Vol.103, no. 916-917, 2021.

DAVID Éric, Principes de droit des conflits armés (Brussels, Bruylant, 3rd edn, 2002) p. 921-922.

Fleck, D, & Bothe, M, The Hand Book of International Humanitarian Law (3rd ed, Oxford University Press 1999). Francoise Bouchet-Saulnier, Laura Brav and Camille Micheil (eds), The Practical Guide to Humanitarian Law (first published 2006, Lanham, 2014).

Frits Kalshoven, Liesbeth Zegveld, Constraints on the Waging of War, (ICRC, 2001).

Gill, T, Fleck, D. (Eds.) The Hand Book of the International Law of Military Operations (2nd ed, Oxford University Press, 2015) p.16.

Jelena Plamenac, Unravelling unlawful confinement in contemporary armed conflicts: belligerents' detention practices in Afghanistan, Syria and Ukraine: M. Nijhoff, 2022. – XV.

Khan, H. K, Islam and International Humanitarian Law. (Paper Presented in 23rd SAT on International Humanitarian Law in Dhaka, 2013).

Marco Sassòli, international Humanitarian Law: Rules, Controversies and Solutions to Problems Arising in Warfare (Edward Elga publishing limited, 2019).

Pictet, J, Development and Principles of International Humanitarian Law (Martinus Nijhoff Publishers, 1984) p. 6-7, Siege starvation: a war crime of societal torture Tom Dannenbaum. In: Chicago journal of international law, Vol. 22, no. 2, winter 2022.

Theodor Meron, The Humanization of International Law, (martinus nijhoff publishers, 2006).

Theodor Meron, Francis Lieber's Code and Principles of Humanity, 36 Colum. J. Transnat'l L. 269, 280 (1998). Tom Ruys, Actor legitimacy and the application of IHL: a rejoinder to Aspermont. In: Law-making and legitimacy in international humanitarian law (Cheltenham; Northampton: E. Elgar, 2021).

Legal instruments

International court of justice statute.

Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field

The Geneva Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea

The Geneva Convention (III) relative to the Treatment of Prisoners of War

The Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War

The Protocol Additional to the Geneva Conventions and relating to the Protection of Victims of International Armed Conflicts (Protocol I)

The Protocol Additional to the Geneva Conventions and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II).

Protocol on the Results of Consultations of the Trilateral Contact Group (Minsk, 5 September 2014).
Hague Regulations

Case laws

International Criminal Tribunal for the former Yugoslavia (ICTY) Appeals Chamber, The Netherlands.

International Military Tribunals held in Nuremberg (1945-1946) and Tokyo (1946- 1948).

International Criminal Tribunals for the Rwanda (ICTR).

Prosecutor v. Radoje Lalovic' and Soniboj kiljevic.

Regina v. Mohammed Gul [2012], Court of Appeal of England and Wales.

Websites

<https://blogs.loc.gov/law/2018/04/the-lieber-code-the-first-modern-codification-of-the-laws-of-war/> accessed 07. 01. 2023. <https://www.icrc.org/en/doc/assets/files/publications/icrc-002-0361.pdf> accessed 03.01.2023.

<https://www.scirp.org/journal/paperinformation.aspx?paperid=85407> accessed 09. 01.2023.

<https://international-review.icrc.org/sites/default/files/Soo20860400071539a.pdf> accessed 09.01.2023.

<https://www.voanews.com/a/gross-human-rights-violations-mark-ukraine-war/6877702.html#:~:text=The%20U.N.,Human%20Rights%20Council>, accessed 07.01.2023.

<https://international-review.icrc.org/sites/default/files/Soo20860400071539a.pdf>, accessed 08.01.2023.

<https://international-review.icrc.org/sites/default/files/irrc-874-4.pdf>, accessed 09.01.2023.

<https://osce.usmission.gov/on-international-humanitarian-law-in-the-osce-region/>

<https://lieber.westpoint.edu/amnesty-allegations-ukrainian-ihl-violations/>

<https://osce.usmission.gov/on-international-humanitarian-law-in-the-osce-region/> accessed 09.01.2023.

<https://www.voanews.com/a/gross-human-rights-violations-mark-ukraine-war/6877702.html#:~:text=The%20U.N.,Human%20Rights%20Council>, accessed 07.01.2023.

<https://lieber.westpoint.edu/amnesty-allegations-ukrainian-ihl-violations/> accessed 09.01.2023.

<https://international-review.icrc.org/sites/default/files/Soo20860400071539a.pdf>, accessed 08.01.2023.

<https://international-review.icrc.org/sites/default/files/irrc-874-4.pdf>, accessed 09.01.2023.

<https://www.icj.org/ss4hrc/> accessed 11.01.1023.

<https://international-review.icrc.org/articles/applying-principle-of-proportionality-to-sieges-914> accessed 11.01.1023.

<https://www.icrc.org/en/document/guidelines-investigatingviolations-ihl-law-policy-and-good-practice>. Accessed 11.01.2023.

<https://www.asil.org/insights/volume/26/issue/4> accessed 12.01.2023.

Declarations:**Author's Contribution:**

- **Conceptualization, and intellectual revisions**
- **Data collection, interpretation, and drafting of manuscript**
- The author agrees to take responsibility for every facet of the work, making sure that any concerns about its integrity or veracity are thoroughly examined and addressed

- **Conflict of Interest:** NIL

- **Funding Sources:** NIL
