

## **INTERNATIONAL HUMANITARIAN LAW AND HUMAN RIGHTS DURING THE WAR IN UKRAINE**

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### **Abstract**

Russia's full-scale war against Ukraine has become an unprecedented challenge for the international community and international humanitarian law, clearly demonstrating the limits of its effectiveness in a hybrid armed conflict. The relevance of the topic is due to the need for a legal assessment of the massive human rights violations recorded in Ukraine, as well as the search for international mechanisms to bring the perpetrators to justice. The purpose of the study is to analyze violations of international humanitarian law during the war in Ukraine. The theoretical basis of the study is the provisions of public international law, the Geneva Conventions, the Additional Protocols, the Rome Statute and the latest initiatives to establish a Special Tribunal. The study analyzed the facts of violations of the laws and customs of war, systematized the most resonant crimes against civilians and critical infrastructure, and identified signs of genocide, sexual violence, illegal deportation of children, torture and nuclear blackmail. The author substantiates the need to update international humanitarian law to take into account the methods of hybrid warfare. The key barriers to bringing to justice the top military and political leadership of the Russian Federation are identified. The importance of establishing a Special Tribunal for the crime of aggression and the International Commission on Claims as instruments for restoring justice is systematically outlined. The practical



significance of the results obtained is to develop recommendations for improving the legal regulation of hybrid warfare, as well as to formulate an international strategy of accountability for the crime of aggression.

### Keywords

Administrative and legal protection of rights, administrative proceedings, international humanitarian law, crime of aggression, special tribunal.

### Resumo

A guerra em grande escala da Rússia contra a Ucrânia tornou-se um desafio sem precedentes para a comunidade internacional e o direito internacional humanitário, demonstrando claramente os limites da sua eficácia num conflito armado híbrido. A relevância do tema deve-se à necessidade de uma avaliação jurídica das violações maciças dos direitos humanos registadas na Ucrânia, bem como à procura de mecanismos internacionais para levar os perpetradores à justiça. O objetivo do estudo é analisar as violações do direito internacional humanitário durante a guerra na Ucrânia. A base teórica do estudo são as disposições do direito internacional público, as Convenções de Genebra, os Protocolos Adicionais, o Estatuto de Roma e as últimas iniciativas para estabelecer um Tribunal Especial. O estudo analisou os factos das violações das leis e costumes da guerra, sistematizou os crimes mais ressonantes contra civis e infraestruturas críticas e identificou sinais de genocídio, violência sexual, deportação ilegal de crianças, tortura e chantagem nuclear. O autor fundamenta a necessidade de atualizar o direito internacional humanitário para ter em conta os métodos da guerra híbrida. São identificadas as principais barreiras para levar à justiça os principais líderes militares e políticos da Federação Russa. A importância de estabelecer um Tribunal Especial para o crime de agressão e a Comissão Internacional de Reclamações como instrumentos para restaurar a justiça é sistematicamente descrita. O significado prático dos resultados obtidos é desenvolver recomendações para melhorar a regulamentação jurídica da guerra híbrida, bem como formular uma estratégia internacional de responsabilização pelo crime de agressão.

### Palavras-chave

Proteção administrativa e jurídica dos direitos, processos administrativos, direito internacional humanitário, crime de agressão, tribunal especial.

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### **Introduction**

In the 21st century, international humanitarian law faces many challenges due to the transformation of the nature of armed conflicts, the emergence of new types of weapons, unmanned systems, cyberwarfare and the growing number of conflicts in which it is difficult to identify clear parties and front lines. In such circumstances, the effective use of IHL principles requires not only proper legal interpretation but also practical implementation at the level of military command (Berdnik & Pylypenko, 2024; Sotula & Piątkowski, 2024).

Researchers note that in hybrid warfare, traditional mechanisms for protecting civilians are insufficient (Antouly, 2019; Crawford et al., 2017; Winaldi & Setiyono, 2022).

Russia's full-scale invasion of Ukraine has become not only a military but also a deep legal crisis for the entire international community. Violations of international humanitarian and human rights law, which were previously perceived as exceptions, have become systemic (United Nations, 2024).

The relevance of the topic is due to the need for a legal assessment of the massive human rights violations recorded in Ukraine, as well as the search for international mechanisms to bring the perpetrators to justice. There is a problem not only of legal qualification of crimes, but also of an effective mechanism for bringing perpetrators to justice at both the political and military levels. In this context, international humanitarian law faces the challenge of adapting to a new form of warfare – hybrid aggression.



The purpose of the study is to analyze violations of international humanitarian law during the war in Ukraine.

## Literature review

The current views of scholars indicate a growing attention to IHL in the context of the war in Ukraine and in the retrospective of previous conflicts. A significant part of the literature is devoted to the analysis of IHL violations during the wars in the Balkans, Iraq, and the current conflict between Israel and Hamas.

Bartolini (2005) in his study compares the application of IHL during the US operation in Iraq in 1991 and 2003. The author notes violations of the principles of proportionality and distinction. Similar attention is paid by Dinstein (2002), who emphasizes the difficulty of determining the military expediency of air strikes. Byron (2010) notes that the absence of the criterion of “excessive civilian casualties” causes difficulties in law enforcement.

The application of IHL in the war between Israel and Hamas was studied by Schmitt (2022), who emphasized the problems of target verification and the need to assess the impact on civilians in an asymmetric conflict.

In the context of the war in Ukraine, the work of Sotula and Piątkowski (2024) deserves special attention, in which the authors analyze Russia’s use of strikes against Ukrainian infrastructure through the prism of proportionality and necessity.

Hayashi (2023) draws attention to the criterion of a “smart commander” in the context of mistakes in combat decision-making. Kreß (2024), in turn, focuses on the crime of aggression as a legal basis for bringing the Russian leadership to justice. However, Kovalchuk (2024) points out that practical implementation is impossible due to political barriers.

Particularly noteworthy is the work of Collins et al. (2023), in which the authors examined in detail the fighting in Gostomel as a key episode in the outbreak of a full-scale war. Additional legal depth is brought by Marcinko (2019), who analyzes the normative approach to the conduct of hostilities.

In the Ukrainian discourse, the studies by Zamryga (2022) and Vasyliiev (2025), which analyze the challenges of IHL in the context of hybrid warfare, are important. In general, a number of sources (Boogaard, 2023; Berdnik & Pylypenko, 2024; Jovanovski, 2021; Mauri, 2022) raise the problems of weapons technology development and the need to adapt IHL to modern realities: autonomous systems, drones and mixed civil-military zones.

## Research methods

The study uses a combination of general scientific and special legal methods. The method of analysis was used to study the provisions of IHL and the legal acts regulating war crimes. The method of systematization was used to classify the recorded human rights violations by the elements of international crimes. The method of generalization was used



to draw conclusions about the need to update legal mechanisms. The empirical analysis was applied to the registered facts of violations of IHL in Ukraine, as well as to the data from official reports of Ukrainian and international organizations.

## Results and Discussion

It is worth starting with what international humanitarian law is and what it means in modern international conflicts. International humanitarian law is a system of international legal norms that regulates the rules of armed conflict by striking a balance between military necessity and humanity, with the aim of limiting the means and methods of war and protecting persons who are not or have ceased to be involved in hostilities. By its very nature, IHL in general and each of its rules in particular is a compromise between two opposites – humanity and military necessity. IHL is possible to the extent that a balance between them is achieved (Kozorog et al., 2024). The main purpose of IHL is to limit the means and methods of warfare that can be used by parties to a conflict, as well as to ensure the humane treatment of persons who are not or have ceased to be involved in hostilities.

International humanitarian law applies only to armed conflicts; it does not apply to internal tensions or disturbances, such as individual acts of violence. The law applies only after the outbreak of a conflict, and then equally to all parties, regardless of who started the hostilities (ICRC, 2004).

In general, IHL encompasses all norms of international law that establish minimum standards of humanity and must be observed in any situation of armed conflict. It is important to clarify that international humanitarian law is one of the most effective tools that the international community has in its so-called “arsenal” to ensure security and respect for honor and dignity during war. Everything has its limitations, and war is no exception, so IHL seeks to ensure that humanity is preserved even during war and armed conflict.

A distinctive feature of IHL among other fields is that it does not regulate the legality of the fact of warfare itself, as this is the responsibility of international law on the use of force. Instead, IHL focuses specifically on the rules of conduct during existing armed conflicts. The key goal here is not to end the war, but to mitigate its consequences, including humanitarian ones. Therefore, one can often hear IHL referred to as “the law of armed conflict” or “the law of war”.

In the current context of international armed conflicts, especially given the full-scale invasion of Ukraine by Russia, international humanitarian law pays considerable attention to the protection of civilians. Civilians are increasingly becoming the targets of armed attacks, which directly contradicts the basic principles of IHL, as enshrined in the Geneva Convention and its Additional Protocol. The norms of these documents establish that the civilian population cannot be the object of attack, and the parties to an armed conflict are obliged to take all possible measures to protect such persons (Articles 51 and 57 of the Additional Protocol) (Verkhovna Rada of Ukraine, 1977).



However, the realities of the war in Ukraine show us numerous examples of these norms being ignored. In 2022–2023 alone, more than 120,000 criminal offenses related to violations of the laws and customs of war were registered in Ukraine (Ukraïner, 2023). Most often, this happens in the form of deliberate attacks on civilians. In national legislation, such actions are qualified under Article 438 of the Criminal Code of Ukraine as war crimes, and their specific composition is determined by reference to international treaties that are part of national legislation (Botnarenko & Kryzhna, 2024).

The peculiarity in the qualification of such crimes is that there is a need to establish direct intent to harm the civilian population specifically, and, accordingly, the presence of consequences in the form of death, serious bodily injury or harm to health. Such provisions are based on Article 85(3)(a) of the Additional Protocol, which states that targeting the civilian population or individual civilians as an object of attack constitutes a grave breach of IHL (Verkhovna Rada of Ukraine, 1977).

Accountability for war crimes is regulated by a number of international treaties and domestic laws. The sources of international humanitarian law that guarantee punishment for war crimes include the Geneva Convention relative to the Protection of Civilian Persons in Time of War of August 12, 1949 (Verkhovna Rada of Ukraine, 1949) and its Additional Protocols of 1977 (Verkhovna Rada of Ukraine, 1977), which define serious violations as war crimes and require states parties to criminalize them in national legislation, affecting, in particular, even administrative and legal protection of rights, as well as administrative proceedings. An important document is also the 1974 Statute of the International Criminal Court (Verkhovna Rada of Ukraine, 1998), which grants the International Criminal Court jurisdiction over war crimes and defines their composition. Another important document is the 1974 UN Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity (Verkhovna Rada of Ukraine, 1974).

An important principle is the universal jurisdiction over war crimes, meaning that any state has the right to prosecute the perpetrators, as well as the absence of immunity for military and civilian leaders (Kovalchuk, 2024).

The authors point out that Russia's war against Ukraine is a double violation of international humanitarian law. Firstly, it violates the rules governing the legality of the use of force (*jus ad bellum*), and secondly, the rules of warfare (*jus in bello*). Russia's attack on Ukraine is contrary to Article 2(4) of the UN Charter and cannot be justified by self-defense, as there is no evidence of armed aggression by Ukraine or direct threats to Russian citizens (Kreß, 2024).

Russia's rhetoric about "protecting" Donbas in collective self-defense is also groundless, as these regions do not have the status of sovereign states. At the same time, gross violations of the principles of *jus in bello* are manifested in the shelling of civilian objects, the use of prohibited weapons, such as cluster or thermobaric weapons, as well as in the direct ill-treatment of prisoners (Bukar, 2023).

T4P research indicates that Russia shells civilian objects in Ukraine an average of 75 times a day. (T4P, 2023) A total of more than 1,500 cultural institutions and 600 monuments have been damaged. As of 2023, according to the Kyiv School of Economics,



153,900 residential buildings, 3,170 educational institutions (almost 1,500 schools, 909 kindergartens, 528 higher education institutions), 1,216 healthcare facilities, and 1,800 cultural institutions were destroyed or damaged as a result of the hostilities (EU NEIGHBOURS East, 2024).

The documented cases of gross violations of international humanitarian law by the Russian military are not only systemic, but also targeted. For example, massive attacks on civilian objects, residential buildings, train stations, and shopping centers are not isolated tragedies, but part of a large-scale terror against civilians (EU NEIGHBOURS East, 2024).

International law qualifies such actions as having signs of systematic violations of the principle of distinction between civilian and military objectives, which is a fundamental standard of the Geneva Conventions and Protocol I (ICRC, n.d.; Verkhovna Rada of Ukraine, 1977). The targeting of residential buildings, hospitals, and schools without demonstrable military necessity violates Articles 51(4)-(5) and 57(2)(a) of Protocol I, which explicitly prohibit indiscriminate attacks (Boogaard, 2023).

In the first five months of the full-scale invasion alone, Russia carried out a number of high-profile attacks that resulted in the deaths of hundreds of civilians. For example, in July 2022, a strike on a five-story building in Chasovyi Yar killed at least 48 people, including a 9-year-old child. Similar consequences were caused by the destruction of the Amstor shopping center in Kremenchuk, which was hit by a missile on June 27. One of the most tragic attacks was the rocket attack on the train station in Kramatorsk, when 61 people were killed, including many children, on April 8, 2022 (BBC News Ukraine, 2022). All of these attacks were accompanied by the use of heavy weapons, including Iskander ballistic missiles and Tochka-U guided missiles, as well as the deliberate spread of disinformation by the Russian authorities, who are trying to justify their actions with false claims of military installations in civilian buildings. Such actions require a comprehensive investigation, proper legal assessment, and bringing the perpetrators to justice in the framework of international justice.

Bombings that have signs of discriminatory attacks can be regarded as a war crime, which is confirmed by the current doctrine and practice of the ICC (Berdnik & Pylypenko, 2024; Bukar, 2023).

According to the analysis of Hayashi (2023), the application of the “reasonable commander” standard requires parties to the conflict to actively verify targets and assess possible harm to civilians; in this case, since such verifications are not carried out, attacks lose their legitimacy under IHL.

The most terrible pages of the war are written in history with such tragedies as the atrocities in Bucha, where mass killings, torture, rape, and executions of civilians were recorded after the liberation. According to local authorities, more than 420 people were killed in Bucha, many of them with signs of torture and rape. All of these war crimes under the Geneva Conventions and the Rome Statute constitute serious violations of international humanitarian law that have no statute of limitations and require mandatory judicial review.



Another horrific page of the war was the mass grave in Izyum, where more than 450 graves were discovered after the de-occupation in September 2022. Most of the bodies were civilians with signs of violent death, gunshot wounds, tied hands, and traces of torture and abuse. It is also worth mentioning the deliberate killing of Ukrainian prisoners in the colony in Olenivka. On the night of July 28-29, 2022, 53 prisoners of war were killed in explosions, and more than 130 others were injured. Despite the statements of the Russian side about the alleged Ukrainian attack, all the facts indicate a staged provocation to conceal the facts of torture and inhuman treatment of detainees. Such actions once again confirm the deliberate nature of the crimes committed by the Russian military and the gross disregard for international humanitarian law (Novynarnya, 2023).

Particular attention should be paid to the documented facts of sexual violence, which the Russian military systematically used as a tool of humiliation, terror and demoralization of the civilian population in the occupied territories. One of the most egregious cases is the rape of a woman by Russian soldiers in front of her child in the Brovary district of Kyiv region. Human rights activists emphasize that the actual number of such cases may be hundreds of times higher than the statistics due to fear, shame or distrust of the investigation system on the part of the victims.

We should not forget about the crime of abduction and forced transfer of Ukrainian children to Russia. In many cases, children were evacuated under the guise of rehabilitation, and then their citizenship was changed and they were completely isolated from their relatives. Such actions can be qualified not only as a direct violation of the articles of the Geneva Convention, but also as an act of genocide - an attempt to destroy the national identity of Ukrainian children through forced assimilation.

And of course, no less dangerous is the tactic of nuclear blackmail used by Russia during the shelling of areas near Ukrainian nuclear power plants. In particular, the Zaporizhzhya NPP has been repeatedly shelled, creating serious risks of a nuclear disaster on the level of Chernobyl or Fukushima. In addition, the Kremlin propaganda systematically threatens the world with strikes on nuclear infrastructure, which is a direct violation of the Geneva Convention, which prohibits attacks on objects that could lead to a dangerous release of forces and serious civilian casualties.

It is worth noting that Russia, having not ratified the Rome Statute, actually avoids the jurisdiction of the International Criminal Court in this regard, but this does not relieve it of responsibility for its actions before the international community, which, in turn, given the scale and unprecedented nature of the crime of aggression, is increasingly raising the issue of establishing a separate special tribunal to bring to justice the top military and political leadership of the Russian Federation (Zamryga, 2022).

International humanitarian law also obliges parties to an armed conflict to facilitate unimpeded access to humanitarian aid for the affected population. In this regard, it is also worth noting that Russia systematically blocks the work of international humanitarian organizations in the occupied territories. According to IHL, assistance should be provided impartially, without discrimination, solely to reduce human suffering. However, the Russian side often denies access to the affected settlements, does not allow representatives of such reputable organizations as the International Committee of the



Red Cross, Doctors Without Borders, or UN humanitarian missions. Such actions of the aggressor create additional threats to the lives of civilians, depriving them of the opportunity to receive basic medical and food assistance, psychological support or evacuation. At the same time, restricting the access of such organizations makes it impossible to effectively document human rights violations and war crimes in the temporarily occupied territories, which is the purpose of the aggressor's prohibitions and concealments and further complicates the work of international human rights institutions (Kurilyuk et al., 2024).

Thus, the Russian invasion of Ukraine has actually actualized the problem of the crime of aggression as a central challenge to the international legal order. However, despite the historical importance of this crime, which was the foundation of the Nuremberg and Tokyo trials, today the International Criminal Court is limited in its ability to prosecute Russia due to the imperfect jurisdictional regime (Kreß, 2024).

In this context, the idea of creating a special international ad hoc tribunal, which is increasingly being discussed by the international community, deserves special attention. Since the Rome Statute limits the possibilities of holding states that are not parties to it accountable, the need for an alternative mechanism is becoming more urgent. Such a tribunal could be established on the basis of a multilateral international treaty or under the auspices of the UN General Assembly, which would circumvent Russia's blocking of the Security Council. It is worth noting that this idea is supported by more than 40 states, including most EU countries, Canada, the United States, and Japan.

However, regardless of the format, the key condition for the effective functioning of any international tribunal is political will, coordinated efforts of the international community and the availability of sufficient evidence collected in accordance with procedural standards. In this aspect, it is necessary to develop the practice of digital technologies and open sources of OSINT for verification of facts, as this is especially relevant in the context of limited access to the temporarily occupied territories.

The war waged by the Russian Federation is hybrid, as it is a conflict that combines classical military operations with information warfare, cyberattacks, terrorist methods, economic pressure and the participation of irregular armed groups (Zamryga, 2022). As this war is waged without an official declaration, with the involvement of mercenaries and the use of civilians as human shields, it makes it difficult to identify the aggressor, blurs the line between war and peace, making effective application of existing IHL norms that do not cover such non-standard forms of conflict virtually impossible.

Therefore, the absence of the term "hybrid warfare" in international legal documents is a major problem that complicates the qualification of the aggressor's actions and the determination of legal consequences. It can be argued that the current system of international humanitarian law is unsuitable for responding to hybrid threats, which was manifested during the Russian-Ukrainian war, in particular, cyberattacks, information aggression, disinformation and actions of proxy forces create legal vacuums that make it impossible for the international community to respond. Humanitarian law needs to be updated to take into account the context of asymmetric and irregular forms of warfare, including situations where the enemy refuses to be openly identified, as was the case in



Crimea and Donbas. Both domestic and international transformation of legal norms is needed, with the use of innovative technologies, digital platforms, new forms of monitoring and expanded jurisdictional tools (Vasyliev, 2025).

As of today, there are several problems that prevent the military and political leadership of the Russian Federation from being brought to justice, even if there is evidence. For example, Russia, as a permanent member of the UN Security Council, can block the creation of international justice mechanisms based on the UN; the absence of an international obligation to extradite citizens to Russia makes it unlikely that arrest decisions will be enforced even if they are made; states allied to Russia, such as Iran, Syria, and North Korea, may not recognize such tribunals, and countries that remain politically neutral may avoid participating in sanctions or legal procedures.

In view of this, an important step is institutional support for Ukraine at the level of the EU, NATO and the UN, as well as the consolidation of universal jurisdiction of states that are ready to consider cases of international crimes outside the country of their commission. For example, courts in Germany, Poland, Lithuania, and Estonia have already opened proceedings over Russian crimes committed in Ukraine.

In addition, the information and legal front is extremely relevant today. Russia is the “queen of propaganda” and invests significant resources in creating a parallel reality, justifying its actions by “protecting Russian speakers” and “fighting Nazism” and so on (VoxUkraine, 2023).

Therefore, we believe that an important task of the international community is to systematically counter disinformation, introduce mechanisms of reputational responsibility, such as isolating Russia in international cultural, sports, and academic spaces; depriving Russian cultural heritage sites of UNESCO World Heritage status; and imposing bans on Russian politicians and propagandists from participating in international forums and conferences.

In our opinion, ensuring Russia’s responsibility for international crimes requires a multilevel strategy that would combine legal, informational, political and diplomatic dimensions. Systematic evidence gathering, international solidarity, and recording of violations are the key prerequisites for bringing Russia to justice, which can take place in both the medium and long term, as has already happened in international practice with regard to the former leaders of Yugoslavia.

In the case of the former Yugoslavia, the establishment of the International Criminal Tribunal for the Former Yugoslavia (ICTY, 2001) allowed for the prosecution of political and military leaders, including Slobodan Milosevic, the President of Serbia. Despite the fact that he died before he was sentenced, the precedent of bringing a sitting head of state to trial had a significant impact on the development of international criminal law.

In its decision in *Prosecutor v. Krstić* (IT-98-33), the ICTY recognized the massacre in Srebrenica as an act of genocide, which was one of the first judicial qualifications of such a crime in Europe after World War II (United Nations, 2004).

Thus, it should be noted that on February 4, 2025, the European Commission and the EU High Representative for Foreign Affairs and Security Policy, Kaja Kallas, officially



announced a decisive step - the establishment of the legal basis for the Special Tribunal for the Crime of Aggression against Ukraine. This tribunal is to become the first ever modern international justice mechanism aimed at bringing the highest military and political leadership of the aggressor state to justice for the crime of aggression – a violation of the UN Charter and the foundations of international law and order (European Commission, 2025).

The Special Tribunal will be established on the basis of an agreement between the Government of Ukraine and the Council of Europe. It will have jurisdiction based on Ukrainian national law with the integration of international standards. This should help overcome a key obstacle – Russia’s non-recognition of the jurisdiction of the International Criminal Court, which remains a serious barrier to justice.

As part of this initiative, the first major legal document, the so-called “Draft Schuman Statute”, has already been prepared, which will define the structure, powers and procedures of the tribunal.

In addition to punishment, there is the issue of compensation for victims. Thus, the EU has already decided to start negotiations on the establishment of an International Claims Commission, which will be authorized to determine the amount of compensation for damage caused by Russia. This commission will rely on the Register of Damage, which has been operating in The Hague since 2023 and documents evidence of destruction, losses and deaths caused by the aggression. Starting in 2024, Ukrainian citizens who have lost their homes will be able to apply to the Register, and starting in 2025, relatives of deceased civilians will be able to apply. This commission should be a logical step towards restoring justice not only through punishment, but also through compensation for war victims.

This was indeed a breakthrough in the restoration of justice, because all previous practice of international law, such as the Nuremberg Tribunal or Rwanda, shows that the most effective international justice is achieved when a legal initiative is supported by a significant number of states, a special tribunal is created that is not limited by existing institutions, and a parallel compensation process is ensured.

Under conditions where Russia blocks the work of humanitarian organizations, destroys evidence and does not allow international observers, an external international investigation, tribunal and compensation system are the only realistic way to restore justice.

International cooperation in the field of wartime forensics is a critical tool for effectively documenting Russian crimes, upholding the rule of international law and implementing international standards in the Ukrainian forensic system (Tsarenko et al., 2023).

Ukraine has already begun to implement a special mechanism of justice in the de-occupied territories, in particular through the joint work of national and foreign experts, investigators and prosecutors to collect evidence of IHL violations. Kyiv Scientific Research Institute of Forensic Expertise (Kyiv Scientific Research Institute of Forensic Expertise) actively cooperates with European institutions such as ENFSI, CEPOL and the TAIEX program. Through participation in international projects, such as EU-ACT and ICE



(UNODC), Ukrainian experts gain access to the latest techniques, which allows them to improve the quality of war crimes documentation and adapt domestic practice to international standards (Negrebetskyi, 2023).

It is worth noting that some in the international community still equate the aggressor and the victim and demand diplomatic efforts from both sides as if both sides are guilty, which is quite inappropriate, as stated by Tsuji Kyoto, State Minister for Foreign Affairs of Japan, at a meeting with representatives of OSCE member states.

The findings confirm the systematic and purposeful nature of Russia's violations of IHL. The literature emphasizes the lack of an adequate regulatory framework for an adequate response to Russia's challenges, which is confirmed by the study.

It is worth noting that the idea of establishing a Special Tribunal is not new, but in the case of Ukraine, it has tremendous support from more than 40 countries. The establishment of such a tribunal is an important practical step in bridging the jurisdictional gaps of the Rome Statute. Compared to international practice, it should be noted that the concept of establishing an International Claims Commission is innovative. Although there are compensation programs after the wars in Iraq or Libya, the creation of a universal register of losses is unprecedented.

## Conclusion

The study proves that IHL in its current form is not able to fully respond to the challenges posed by Russia's hybrid aggression against Ukraine. The findings demonstrate the scale of war crimes, genocide, sexual violence, human trafficking, nuclear blackmail and violations of the right to humanitarian assistance.

The novelty of the study lies in the systematic justification of the need to establish a Special Tribunal for the Crime of Aggression, as well as a compensation mechanism that should become part of a global strategy for restoring justice.

The practical significance of the study lies in identifying the shortcomings of the current international humanitarian law in the context of hybrid conflicts and justifying the need for its adaptation to this form of warfare.

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