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## Crimes against humanity in the conditions of military conflicts of the 21st Century: The practice of international courts

### Злочини проти людства в умовах воєнних конфліктів XXI століття: практика міжнародних судових інстанцій

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#### Abstract

Despite the existence of norms of international public law regulating the conduct of war, during military conflicts, states completely ignore the established rules of war and go beyond common sense, committing crimes against humanity, organizing terrorist acts, and other illegal acts. In conditions where violations of the norms and rules of hostilities become a trend, it is important to investigate how international humanitarian law regulates armed conflicts, as well as the practice of international courts regarding the consideration of cases of crimes against humanity in the context of military conflicts of the 21st century. The purpose of the work is to study the practice of international judicial authorities in the investigation of crimes against humanity in the context of military conflicts of the 21st century. The research methodology consists of such methods as historical-legal, system analysis method, logical-semantic method, methods of documentary analysis, critical evaluation, and comparison. As a result of the conducted research, the peculiarities of

#### Анотація

Незважаючи на наявність норм міжнародного публічного права, що регулюють порядок ведення війни, під час воєнних конфліктів держави повністю ігнорують встановлені правила війни та виходять за межі здорового глузду, вчиняючи злочини проти людства, організовуючи терористичні акти та інші протиправні діяння. В умовах, коли порушення норм та правил ведення бойових дій стають тенденцією, важливо дослідити, яким чином міжнародне гуманітарне право регулює збройні конфлікти, а також практику міжнародних судових інстанцій щодо розгляду справ про злочини проти людства в умовах воєнних конфліктів XXI століття. Метою роботи є дослідження практики міжнародних судових інстанцій щодо розслідування злочинів проти людства в умовах воєнних конфліктів XXI століття. Методологією дослідження складають такі методи як: історико-правовий, метод системного аналізу, логіко-семантичний метод, методи документального аналізу, критичної оцінки та

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consideration of cases regarding the commission of crimes against humanity in the conditions of military conflicts of the XXI century by international judicial bodies were considered. Thus, the concept of crime against humanity, and war crime were formed, signs of such crimes were identified, and proposals were formed to improve international legislation in terms of regulating international crimes and ways to increase the effectiveness of activities to prosecute those guilty of war crimes.

**Keywords:** crimes against humanity, military conflict, international crime, war crime, armed conflict.

## Introduction

To ensure peace in the world community, states have concluded a large number of international treaties aimed at protecting individuals both in peacetime and in armed conflict. But, unfortunately, such standardization has not led to the strengthening of human protection in the face of military conflicts, terrorist acts and arbitrariness. Although international instruments prohibit war, military conflicts continue, taking the lives of civilians. This necessitates the prosecution of perpetrators of crimes against humanity in the context of 21st century military conflicts and the introduction of appropriate judicial procedures. Also, in such conditions there is an interpenetration of international humanitarian law.

The criminal law of different countries defines the concept of «crime» differently. Usually, a crime is understood as an illegal action of a physically sane person in relation to the existing norms of law (Pidubna, 2016).

Regarding the concept of «crimes against humanity», this term is becoming increasingly popular and has become commonplace and is characterized by increased danger to society as a whole, the severity of the intentional act, the importance of violations and consequences. In particular, today's realities show that this type of crime poses an increased danger not only to the existence of the state, but also to interstate relations in general (Torosh, 2015).

Crimes against humanity, or crimes against the peace and security of mankind as defined in the Rome Statute of the International Criminal Court, are also part of a large-scale and

порівняння. В результаті проведеного дослідження розглянуто особливості розгляду справ щодо вчинення злочинів проти людства в умовах воєнних конфліктів XXI століття міжнародними судовими інстанціями. Так, сформовано поняття злочину проти людства, воєнного злочину та військового злочину, виділено ознаки таких злочинів, а також сформовані пропозиції із вдосконалення міжнародного законодавства в частині регулювання міжнародних злочинів та шляхів підвищення ефективності діяльності з притягнення до відповідальності за воєнні злочини винуватих осіб.

**Ключові слова:** злочини проти людства, воєнний конфлікт, міжнародний злочин, воєнний злочин, збройний конфлікт.

systematic practice of committing premeditated serious crimes against society, such as murder, enslavement, deportation or forcible displacement, unlawful imprisonment or other cruel deprivation of liberty, torture, rape, sexual offenses (sexual slavery, forced prostitution, forced pregnancy, forced sterilization or any other form of sexual violence), harassment of any groups or communities on political, racial, national, ethnic, cultural, religious, gender or other grounds declared inadmissible under international law (Rome Statute of the International Criminal Court: Signature, Approval (AA), Acceptance (A), Accession (a), Succession (d), Ratification (UNTC, 1998)). In particular, these crimes pose a threat not only to the individual, but also to the environment and the entire human community, because they violate the rules of coexistence. Prosecution of crimes against humanity is a difficult issue for international law, especially in the case of armed confrontation with a complex nature of qualifications. That is why it is important to analyze the mechanism of international legal responsibility of states and individuals for war crimes, as well as the peculiarities of the process of bringing these people to justice.

Therefore, in modern conditions, when the distinction between international and non-international conflicts is increasingly manifested in armed confrontations, and when violations of the norms and rules of warfare become a trend, it is important to study the judicial practice of international instances in cases of crimes against humanity in the conditions of military conflicts of the XXI century.

## Theoretical Framework or Literature Review

Crimes against humanity in the conditions of military conflicts of the 21st century were studied by many scientists.

The main problems of the qualification of crimes committed under martial law were researched in their work by Baida and Sklez (2019). The authors considered the legal regime of martial law as a feature that affects the qualification of a crime and, accordingly, the imposition of punishment. The peculiarities of the legislative regulation of the circumstances under which it is possible to talk about the onset of a special legal regime have also been clarified. Among other things, to achieve this goal, the concepts of «martial law» and «combat situation» were studied in detail, and attention was also paid to the importance of martial law conditions as a circumstance that aggravates punishment and is applied to judicial discretion.

Legal mechanisms for combating crimes of an international nature in the era of global electronic communication were investigated by Bilenchuk, Maliy and Kravchuk (2022). According to the authors, illegal encroachments that violate international public order, as well as threaten or pose a danger to international public security, constitute an international public threat. This conclusion is justified by the content of international treaties on establishing and guaranteeing human rights, in particular the Universal Declaration of Human Rights, the Convention for the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, etc.

Issues related to respect for human rights in conditions of armed conflict were covered by Hnatovsky (2017) in his work.

Koval and Avramenko (2019) considered the peculiarities of the investigation of international crimes committed in the context of the armed conflict in Donbas. The authors drew attention to the fact that the existence of an armed conflict is not enough for it to be possible to talk about the fulfillment of the requirements of the contextual element of a war crime. In their opinion, a relationship between the specific act incriminated against the accused and the armed conflict is necessary. Proving the connection between a specific act that contains the signs of a crime and an armed conflict is more difficult in the case of an armed conflict of a non-

international nature and practically does not cause problems in the case of an international armed conflict. The basis for proving the connection between the conflict and a specific act is two factors: the targeting of attacks against persons who do not participate in the armed conflict; the action must be aimed at the fulfillment of certain goals of the armed formation in the conflict, or in some way help the fulfillment of such goals, or, at a minimum, take place simultaneously with the armed conflict.

The current state and prospects for improving criminal proceedings regarding crimes related to the occupation of Crimea and the conflict in Donbas under the *in absentia* procedure were considered by Mazur (2020). The judge emphasizes that the application of the procedure *in absentia* not only allows justice to be carried out *in absentia* but thanks to the application of this procedure, important evidence is preserved, and the state ensures the official conviction of criminals who have committed serious crimes within the framework of the court procedure.

The theoretical basis for the study of crimes against humanity in the conditions of military conflicts of the 21st century was formulated in Matsko's (2005) book, which contains definitions of key concepts in the research topic.

Besides, Panasytska (2022) analyzed the difference between war crimes and military crimes. The author noted that an important difference between military and war crimes is that war crimes can be committed exclusively in the context of an armed conflict and are related to it. Instead, military criminal offenses can occur both during an armed conflict and during military service in peacetime.

The place of war crimes in the criminal law of Ukraine was investigated by Pidubna (2016). The question of the relationship between human rights and their provision in the conditions of armed conflicts was considered by Senatorova (2018). Suprun (2022) considered the peculiarities of the investigation of war crimes in Ukraine during the war.

Moreover, Timofeeva (2022) chose the issue of combating crimes against humanity in the 21st century as the topic of her work. The author drew attention to the differences between the concepts of international and non-international armed conflict and the peculiarities of assigning states to the behavior of private individuals – the concept of general and effective control.

In his work, Torosh (2015) considered the historical and theoretical aspects of the regulatory and legal mechanism for solving crimes against humanity. The author concludes that interstate obligations and relations, based on the historical achievements of the theory and practice of legal relations, are a guarantor of ensuring stable development in society and a deterrent factor in the behavior of politicians and leaders of countries to prevent armed conflicts and crimes against humanity.

Additionally, Chervyakova (2020) considered the responsibility for war crimes in her work. Thus, according to the author, it is appropriate to characterize international crimes through their material, mental and contextual elements. Material and mental elements are things that to a certain extent correlate with a general criminal offense. The contextual element makes it possible to distinguish international crimes from ordinary crimes. For crimes against humanity, the contextual element is the large-scale and systematic nature.

That is more, Adil Ahmad Haque (2022) summarized the key conclusions of the OSCE report on war crimes in Ukraine. Thus, the author notes that the OSCE report is mostly devoted to overt war crimes committed by Russian troops, and the report also properly records several possible violations of international humanitarian law by Ukrainian forces, in particular, one overt war crime against Russian prisoners of war, which the Ukrainian authorities have promised to investigate. Although the report repeatedly notes that Russia's violations are «significantly greater in scale and nature», it is legally, morally, and strategically necessary for Ukraine to strictly adhere to international law. The author also notes that international humanitarian law applies to both the aggressor and the defender.

The problematic issues of transnational justice in Syria were considered by Jazairi (2015). The work of Beresford and Wand (2020) examines the concept of bricolage to offer a new understanding of the development of norms and contradictions in international relations, including the role of African countries.

The trial of Thomas Kwoyelo, the only national prosecution for war crimes in Uganda at the time of writing, is discussed in the article by Macdonald and Porter (2016). Mills and Bloomfield (2018) considered the issue of jurisdiction of international courts for justice in African countries. The authors note that the establishment of the International Criminal Court

in 1998 marked significant progress in efforts to ensure that all perpetrators of mass atrocities are brought to justice. However, there has been considerable resistance in Africa to the norm against impunity and the International Criminal Court as an institution enforcing it.

Further, Daly, Paler, and Cyrus (2020) theorize how wartime social ties, namely vertical ties to former commanders and horizontal ties to fellow ex-combatants, influence ex-combatants' delinquency both by themselves and through their connection with economic opportunities.

The relationship between religion and transnational crime is examined in the work of Murphy (2020). The author draws attention to the fact that transitional justice refers to the process of combating human rights violations committed during an ongoing conflict or repression, when such processes are established because society seeks to move towards a better state, and where democracy is a constitutive element of this better state. Examining the relationship between religion and democracy from a transitional justice perspective is theoretically fruitful because it sheds more light on additional dimensions of the question of power than liberal democracy scholars have traditionally considered.

Despite a large number of studies in the field of war crimes, the judicial practice of international authorities regarding the consideration of cases of crimes in the conditions of military conflicts of the 21st century remains insufficiently studied and requires deeper research.

### Methodology

When writing this article, all phenomena were investigated using the historical-legal method, the method of systematic analysis, the logical-semantic method, the methods of documentary analysis, critical evaluation and comparison.

Thanks to the historical-legal method, the practice of international judicial authorities regarding the consideration of cases of crimes against humanity in the conditions of military conflicts of the 21st century was analyzed, and the regularities of the functioning and development of such international authorities in different conditions were revealed. During the conducted research, such techniques of the historical and legal method were used as: collection and analysis of data on the consideration of cases in the field of crimes against humanity in the conditions of military

conflicts, criticism of sources (which included the analysis of documents, interpretation of their content and description), generalization of the received information, universal hypotheses, inductive, evolutionary, theological methods, methods of reconstruction. The use of these techniques made it possible to formulate clear ideas about the retrospective development of legislation and judicial practice in the researched topic.

The current state of problems in the research topic was analyzed using the method of system analysis. Considering that the method of system analysis is a method of scientific knowledge, which is a sequence of actions to establish structural relationships between variable elements of the studied system, its use made it possible to create a basis for a logical and consistent approach to the problem of decision-making during the consideration of cases of crimes against humanity in the conditions of military conflicts of the XXI century.

The logical-semantic method was used to formulate the definitions of the concepts «crimes against humanity», «military conflict», «international conflict». Thus, this method contributed to the definition of concepts through the analysis of its features, the relationship between language expressions and reality.

The methods of documentary analysis, critical evaluation and comparison of the provisions of the Rome Statute of the International Criminal Court, verdicts of military tribunals and other normative legal acts were used to determine the modern foundations of legal regulation of responsibility for crimes against humanity, as well as to analyze the provisions of decisions of international courts. Thus, a retrospective study of the design and content of decisions of international courts with the aim of identifying specific features and inconsistencies was carried out using the method of documentary analysis. Critical assessment made it possible to comprehensively analyze the researched topics and weigh the conditions and decisions in which they were made. Using the comparison method, individual social phenomena and processes were compared in order to highlight their similarities and differences. In particular, the decisions of international courts regarding crimes against humanity in the context of a number of military conflicts of the 21st century were compared. Based on the identified similarities and differences, a conclusion was made about the common and distinctive features of such decisions and the general direction of the practice

of international courts. In addition, the use of the comparison method made it possible to obtain new information not only about the properties of the compared phenomena and processes, but also about their direct and indirect relationships and about the general trends of their functioning and development.

## Results and Discussion

### *The historical and theoretical aspect of consideration of cases of crimes against humanity by international courts*

The formation and development of social relations led to the need for the emergence of a system and mechanism for peaceful coexistence of people of different races, religions, linguistic and ethnic affiliations. The basis for the functioning of such a system should be international standards for assessing and solving problems arising in each state and at the international level, including such crimes as crimes against humanity.

Ways to prevent and combat crimes against humanity originate from the development of social relations in stable democratic countries, such as Great Britain, Belgium, the Netherlands, France, Germany, Italy, the USA, and others. Thus, in the 19th century, Abraham Lincoln, running for president, defined the African slave trade as a crime against humanity. An equally interesting historical fact is that during the First World War, the members of the Alliance (Great Britain, France and the Russian Empire) issued a joint statement in which they declared the Armenian genocide «crimes against humanity» and warned the leadership of the Ottoman Empire about personal responsibility (Torosh, 2015).

The first attempts to settle armed conflicts were made after the First World War. Thus, the League of Nations was created, the main purpose of which was to develop cooperation between peoples, maintain peaceful coexistence of the world, ensure the rights of national minorities and resolve territorial disputes in the event of their violation.

Subsequently, the statutes of military tribunals were adopted to investigate crimes against humanity: Nuremberg (1945), Tokyo (1946), the statute of the International Criminal Tribunal for Yugoslavia (1993) and Rwanda (1994), as well as the Rome Statute of the International Criminal Court (1998) (Torosh, 2015). For example, the Nuremberg Tribunal, through a civilized

procedure, was used to bring criminal responsibility for crimes against humanity.

In today's realities, the organization that aims to ensure peace is the United Nations (UN Charter, 1941). Over the years of its existence, the UN has examples of effective use of force, methods and measures of influence to prevent, stop and resolve bloody conflicts. But it is worth pointing out that the grounds for international intervention are: the request of the authorities of one or another country; coercion to peace; protection of its citizens abroad; preventing a humanitarian disaster. For example, the intervention of the USSR in Hungary in 1956, the intervention of the USSR in Czechoslovakia in 1968, the use of military force by Great Britain against Argentina in 1983, the use of US military force against Iraq in 1991, the use of US military force against Somalia in 1993. In 1995, the United States and the troops of the NATO bloc took an anti-Serbian position and conducted a large-scale military action on the territory of the former Yugoslavia. After that, in 1999, NATO forces led by the United States carried out a military strike against the forces of the Yugoslav army and civilian objects. The military operation was positioned as a «humanitarian intervention» in connection with the events in the province of Kosovo. We can also recall the recent events of the military intervention of the Russian Federation on the territory of Ukraine, Abkhazia, South Ossetia, and many other similar examples (Torosh, 2015). Thus, as historical retrospect shows, international methods of influence are insufficient to resolve military conflicts, but combined with economic sanctions (embargoes, different financial restrictions) can have a positive effect.

***Characteristic features of the practice of international courts regarding crimes against humanity in the conditions of military conflicts of the XXI century***

As already mentioned, international courts and transitional justice function in order to ensure peace and bring those guilty of crimes against humanity to justice.

The concept of transitional justice showed its suitability in the settlement of armed conflicts in Africa, Syria, Bosnia and Herzegovina and other countries that faced the need to find mechanisms and processes to overcome the consequences of the conflict and restore peace.

Let's consider the international judicial practice in more detail.

While international humanitarian law provides for the obligations of states in the text of conventions, in European human rights law the obligation to prosecute persons guilty of the most serious violations of human rights is formulated in the practice of the European Court of Human Rights (ECtHR) as a «procedural obligations» (Council of Europe, 1950. Date of ratification by Ukraine: July 17, 1997. Date of entry into force for Ukraine: September 11, 1997).

Hnatovskyi (2017), analyzing the practice of the ECtHR, noted the following.

- 1) The requirements for investigations of violations of Articles 2 and 3 in the context of an armed conflict were first indicated by the Grand Chamber of the ECtHR in the case of *Varnava and others v. Turkey*, which related to the disappearance of people in 1974 during the Turkish invasion of Cyprus. The Grand Chamber emphasized that an investigation must not only be independent, accessible to the victim's family, conducted with reasonable speed and efficiency, and include elements of public scrutiny of the investigation itself and its results, but also be effective in the sense that it must be capable of leading to determining whether the death was wrongfully caused and, if so, identifying those responsible and punishing them.
- 2) The ECtHR does not distinguish crimes committed in the context of mass violence. In particular, in the case of *MC v. Bulgaria*, it was established that the state violated its obligations regarding the effective investigation of the rape case due to outdated norms of national legislation.
- 3) A state that is simultaneously a party to the ECHR and the Rome Statute [Rome Statute of the International Criminal Court (Rome, 17 July 1998)] of the ICC (or at least recognized the jurisdiction of the latter ad hoc) can be considered as fulfilling its international obligations, only if it carries out effective investigations of international crimes and prosecutes those guilty of them both in accordance with the positive procedural obligations formulated by the ECHR in relation to Articles 2 and 3 of the ECHR, and in accordance with the doctrine of «active complementarity» formulated by the Prosecutor of the ICC, which states that states have primary responsibility for preventing and punishing atrocities on their own territory. Also, double requirements are put forward to any amnesty laws, which must meet both the requirements of the ECHR and international criminal law.

According to Alexander Beresford and Daniel Wand (2020), this is due to the need to distinguish means of assessing the viability of norms of international criminal law. Anna Macdonald and Holly Porter (2016), in their work on the trial of Thomas Kwoyelo as the first prosecution in Uganda of a war criminal – a former fighter of the Resistance Army, conclude on the importance of the practice of «transitional justice» on the African continent.

The United Nations is also increasing attention to issues of transitional justice and the rule of law in conflict and post-conflict societies, which are responses to human rights violations during armed conflicts, when the relevant processes are recognized and decisions are made to move towards a better state, when, in the opinion of Murphy (2020), the constituent element of this better state is democracy.

At the same time, analyzing the foreign experience of the transition to a post-conflict society, it is worth understanding that the components of transitional justice in each state differ in content, taking into account the type of conflict (international or non-international), cultural identity, temporal dimension and other factors.

For example, the experience of Syria, which was analyzed in detail by Rania Al Jazairi (2015), is important for Ukraine in the implementation of transitional justice. The author singled out such components of transitional justice as:

- 1) responsibility;
- 2) reparations;
- 3) the nature of the transition period management system;
- 4) the importance of ensuring the rights of minorities and women, the priorities of reconstruction and development, demilitarization, demobilization, reintegration and amnesty during transitional justice.

Regarding crimes against humanity in the context of the military conflict in Ukraine, on March 2, 2022, on the basis of referrals received from several states, the prosecutor of the International Criminal Court announced the opening of an investigation into the situation in Ukraine, and on March 4, the UN Human Rights Committee established the International Commission of Inquiry in Ukraine. On March 25, Eurojust created a Joint Investigation Group on Crimes Committed in Ukraine, consisting of representatives of law enforcement agencies

from Lithuania, Poland, and Ukraine, which was joined by the Prosecutor of the International Criminal Court on April 25. It is assumed that similar commissions will be created in the future. But the specificity of the situation in Ukraine is that active international investigations have already begun at the stage of an ongoing armed conflict. Although it is currently difficult to predict the further development and duration of this conflict, it can be predicted that the first legal proceedings may begin soon, at least against the perpetrators of middle-level crimes (Suprun, 2022). However, the effectiveness of such bodies and procedures remains questionable.

Therefore, effective functioning of judicial institutions aimed at achieving international peace and security and bringing to justice for international crimes against humanity is important for effective prevention, countermeasures and investigation of crimes of an international nature. In the case of the creation of new bodies, the positive experience of the UN International Court of Justice and the International Criminal Court should be taken into account.

## Conclusions

As a result of the study of the practice of international judicial authorities regarding crimes against humanity in the conditions of military conflicts of the 21st century, the following conclusions were drawn.

- 1) The legal basis for prosecution is obligations under contractual and customary international humanitarian law. The European Convention on Human Rights also stipulates requirements for the state to respect human rights.
- 2) Prosecution for war crimes is a component of transitional justice, which includes: establishing the truth; reparations; prosecution; institutional restructuring, and formation of judicial and extrajudicial mechanisms of a national, international, and hybrid nature.
- 3) In the current state of the development of society, all theoretical and practical assets of any state in this field of law are closely intertwined with world experience, which indicates that, through the efforts of the world community, a mechanism has been created for the prevention, regulation, and prosecution of the investigated type of crimes, which basically combines the public assets of the state with guarantees of citizens' rights, and combines the advanced

achievements of the international community in this field, manifested in international legal assistance, political and economic influence, activities of international organizations and courts. If the guarantees of the international community are insufficient to resolve the conflict, this indicates a lack of balance and the need to make changes and implement effective mechanisms of international protection to ensure peace, because inaction in matters of preventing crimes against humanity and bringing guilty persons to justice is unacceptable.

- 4) Currently, the practice of bringing to justice shows the insufficient effectiveness of criminal punishments for crimes against humanity and other serious violations of international law and requires improvement of the mechanism of both the investigation of crimes and the execution of decisions.

As for further scientific research, it is important to analyze the specifics of bringing individuals to justice and executing decisions for committing crimes against humanity in the context of military conflicts.

#### Bibliographic references

- Baida, A. O., & Sklesz, O. A. (2019). Main problems of qualification of crimes committed under martial law. *A young scientist*, 4(1), 112–116. Recovered from <https://doi.org/10.32839/2304-5809/2019-4-68-26>
- Beresford, A., & Wand, D. (2020). Understanding bricolage in norm development: South Africa, the International Criminal Court, and the contested politics of transitional justice. *Review of International Studies*, 1, 1–21. Recovered from <https://doi.org/10.1017/s0260210520000224>
- Bilenchuk, P., Malii, M., & Kravchuk, O. (2022). Legal mechanisms for combating international crimes in the era of global electronic communication. *Lex Inform website*. Recovered from <https://bit.ly/3IulZtX>
- Chervyakova, O.V. (2020). Accountability for War Crimes: Mechanisms and Processes for Restoring Ukraine's Sovereignty and Security. *Law forum*, 61(2), 150-162. Recovered from [http://forumprava.pp.ua/files/150-162-2020-2-FP-Chervyakova\\_16.pdf](http://forumprava.pp.ua/files/150-162-2020-2-FP-Chervyakova_16.pdf)
- Council of Europe. (1950). Convention on the Protection of Human Rights and Fundamental Freedoms. Recovered from [https://zakon.rada.gov.ua/laws/show/995\\_004#Text](https://zakon.rada.gov.ua/laws/show/995_004#Text)
- Daly, S.-Z., Paler, L., & Cyrus, S. C. (2020). Wartime ties and the social logic of crime. *Journal of Peace Research*, 4, 536–550. Recovered from <https://doi.org/10.1177/0022343319897098>
- Haque, A.A. (2022). OSCE Report on War Crimes in Ukraine: Key Findings. Justice security site. Recovered from <https://www.justsecurity.org/81218/the-osce-report-on-war-crimes-in-ukraine-key-takeaways-ua/>
- Hnatovskiy, M.M. (2017). Respect for human rights in the context of armed conflict in Ukraine. New justice website. Recovered from [https://newjustice.org.ua/wp-content/uploads/2017/09/Report\\_Respect-for-HR-in-Conflict\\_Gnatovsky\\_UKR.pdf](https://newjustice.org.ua/wp-content/uploads/2017/09/Report_Respect-for-HR-in-Conflict_Gnatovsky_UKR.pdf)
- Jazairi, R. (2015). Transitional Justice in Syria: The Role and Contribution of Syrian Refugees and Displaced Persons. *Middle East Law and Governance*, 7(3), 336–359. Recovered from <https://doi.org/10.1163/18763375-00703002>
- Koval, D. O., & Avramenko, R. A. (2019). War crimes. Peculiarities of the investigation of international crimes committed in the context of the armed conflict in Donbas. Kyiv: NGO Truth Hounds. Recovered from <https://bit.ly/3AIRjD7>
- Macdonald, A., & Porter, H. (2016). The trial of Thomas Kwoyelo: opportunity or specter? Reflections from the ground on the first LRA prosecution. *Africa*, 4, 698–722. Recovered from <https://doi.org/10.1017/S000197201600053X>
- Matsko, A. S. (2005). International law. Kyiv: MAUP. Recovered from <https://maup.com.ua/assets/files/lib/book/nw26.pdf>
- Mazur, M. V. (2020). Criminal proceedings in absentia regarding crimes related to the occupation of Crimea and the conflict in Donbas: current state and prospects for improvement. Website of the Ukrainian Helsinki Union for Human Rights. Recovered from <https://bit.ly/3AJEubG>
- Mills, K., & Bloomfield, A. (2018). African resistance to the International Criminal Court: Halting the advance of the anti-impunity norm. *Review of International Studies*, 44(1), 101-127. Recovered from <https://bit.ly/3c2dhqx>
- Murphy, C. (2020). Religion & Transitional Justice. *Daedalus*, 3, 185–200. Recovered from [https://doi.org/10.1162/daed\\_a\\_01811](https://doi.org/10.1162/daed_a_01811)



- Panasyska, O. (2022). They will be responsible for everything. For what war crimes against Ukraine will Russia be punished? Vox Ukraine. Recovered from <https://bit.ly/3O2v7qP>
- Piddubna, M. V. (2016). War crimes in the criminal law of Ukraine. Scientific Bulletin of the Uzhhorod National University. Law series, 40(2), 98–101. Recovered from <http://old.univer.km.ua/visnyk/1720.pdf>
- Senatorova, O.V. (2018). Human rights and armed conflicts. Kyiv: Publishing house FOP Golembovska O.O. Recovered from [https://nlu.edu.ua/wp-content/uploads/2021/05/msc\\_6\\_copy.pdf](https://nlu.edu.ua/wp-content/uploads/2021/05/msc_6_copy.pdf)
- Suprun, D. (2022). War crimes in Ukraine: in search of justice and sustainable peace. Website of the "Legal Practice" publishing house. Recovered from <https://pravo.ua/voienni-zlochyny-v-ukraini-v-poshukakh-spravedlyvosti-ta-stalohomyru/>
- Timofeeva, L.Yu. (2022). Countering Crimes Against Humanity in the 21st Century. Journal "ScienceRise: Juridical Science", 1(19), 30-36. Recovered from <https://doi.org/10.15587/2523-4153.2022.254036>
- Torosh, S.O. (2015). Regulatory and legal mechanism for regulating crimes against humanity: a historical and theoretical aspect. [File PDF] Recovered from <https://science.lpnu.ua/sites/default/files/journal-paper/2017/jun/4854/torosh.pdf>
- United Nation. (1941). The Charter. Recovered from [https://uk.upwiki.one/wiki/charter\\_of\\_the\\_united\\_nations](https://uk.upwiki.one/wiki/charter_of_the_united_nations)
- UNTC. (1998). Rome Statute of the International Criminal Court. Recovered from [https://treaties.un.org/Pages/showDetails.aspx?objid=0800000280025774&clang=\\_en](https://treaties.un.org/Pages/showDetails.aspx?objid=0800000280025774&clang=_en)