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PRINCIPLES OF INTERNATIONAL HUMANITARIAN LAW VIOLATED BY THE AGGRESSOR DURING MILITARY OPERATIONS ON THE TERRITORY OF UKRAINE

The Constitution of Ukraine defines the main principle of state policy in the field of ensuring human and civil rights. According to Article 21 of the Constitution of Ukraine, “All people are free and equal in their dignity and rights. Human rights and freedoms are inalienable and inviolable”[1].

Human rights are valid in peacetime and during armed conflict, as well as in other emergency and special situations. Ukraine has become the country whose citizens suffer from the violation of their fundamental rights and freedoms as a result of a full-scale invasion of Russia - the aggressor country on its territory.

Human and civil rights should be ensured in any case, both in peacetime and during armed conflict. The first of the inalienable human rights is the right to life. The peculiarities of ensuring this right during the armed conflict are outlined in the special norms of a separate branch of international law – international humanitarian law [2].

The Instruction on the procedure for implementation of the norms of international humanitarian law in the Armed Forces of Ukraine contains the main provisions of international humanitarian law applicable in armed conflicts.

Accordingly, international humanitarian law (the law of armed conflict) is a system of internationally recognized legal norms and principles applied in armed conflicts, establishing the rights and obligations of subjects of international law to prohibit or restrict the use of certain means and methods of conducting armed struggle, ensuring the protection of victims of conflict and determining responsibility for violation of these norms [3].

Currently, Ukraine is in the state in which the principles and norms of international humanitarian law have turned from theoretical to vital. Russia's attack on Ukraine has become the most flagrant violation of international law, and its actions are unacceptable in the civilized modern world. So many civilian casualties would be impossible if the aggressor country adhered to the principles of international humanitarian law. The most important principles of international humanitarian law include the principle of humanity, the principle of international legal protection for victims of war, the principle of prohibition and restriction of belligerents in the means and methods of warfare, the principle of protection of civilian objects and cultural property, the principle of protecting the interests of neutral states, the principle of prohibiting damage to the enemy, which is incompatible with the purpose of war, the principle of responsibility of participants in armed conflicts for war crimes, etc [4].

All the above principles were violated by Russia in the war against Ukraine and the number of such violations is growing every day. The territory of our state is still subjected to rocket attacks, shells hit schools, hospitals, and streets of peaceful cities

where civilians are. The civilian infrastructure of Ukrainian cities and humanitarian corridors are also being shelled and mass shootings are being carried out in the occupied territories. Cluster munitions related to prohibited weapons are used. Arbitrary abuse, rape, torture, and murder of civilians in the territories liberated from the occupation are also recorded. There is no water, food, medicine and electricity in the cities surrounded or captured by Russia. Entire regions are deprived of communication with the world and suffer a humanitarian catastrophe.

All these violations of international humanitarian law by the aggressor should be considered war crimes. War crimes are rather serious violations of international humanitarian law, for which international law provides for criminal liability of a country whose citizens are involved in such criminal acts. War crimes are serious violations of the Geneva Conventions for the Protection of War Victims [5].

Ukraine has been fighting Russia's large-scale armed aggression for a long time. The enemy attacks the civilians, destroys residential buildings and infrastructure, and causes huge losses, injuries, mutilations and deaths, for which it must bear the utmost responsibility. Russian Federation must inevitably be held to account for violations of international humanitarian law, crimes and atrocities committed within Ukrainian territory.

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