

War Crimes in Ukraine-Legal Accountability Under Geneva Convention

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Abstract: *The study will examine war crimes in Ukraine in light of the Geneva Conventions, emphasizing the legal accountability systems made possible by international humanitarian law. It will look at recorded abuses by Russian forces, such as the use of banned weapons, forced deportations, torture, sexual assault, indiscriminate attacks on civilians, and illegal detentions. The UN, the European Court of Human Rights, and other investigations have confirmed that these acts represent grave violations of the Fourth Geneva Convention and Additional Protocols, which will be discussed in this article. In the midst of continuous armed conflict, it will also examine the function of international legal institutions in providing justice for victims and holding offenders accountable. The paper has carefully addressed the legal accountability of war crimes provided under humanitarian Law.*

Keywords: Ukraine, United Nations, Geneva Convention, Human Rights, Protocols

1. Introduction

"The more you sweat in peace, the less you bleed in war", said the US General Norman Schwarzkopf.

The invasion in Ukraine started in February 2022, though it has deep roots since 2014. The invasion displaced many Ukrainian families in the country. Ukrainians have been forced to leave their families and shift to countries in Europe.

Reasons for Ukraine Russia War-a) Ukraine is a matter of importance for Russia¹ and b) there is a territorial dispute between Russia and Ukraine.² Thousands of civilians were injured and infrastructure was destroyed. Russian forces have been committing warcrimes against Ukraine since 2014.

What is meant by War Crime?

War crime is defined under The Statute of the ICC "serious violations of the laws and customs applicable in international armed conflict" and "serious violations of the laws and customs applicable in an armed conflict not of an international character".³ War crime includes act or omission, perpetrators and also includes mental element.

War crimes often involve serious violations of the Geneva Conventions. These include acts such as:

- Deliberately killing people without justification.
- Torturing, mistreating, or carrying out cruel experiments on individuals.
- Causing severe pain, injury, or suffering to someone's body or health on purpose.
- Destructing /seizing property unnecessarily, especially when it's not required for military purposes.
- Forcing prisoners of war/civilians to fight on behalf of the enemy.
- Denying prisoners the right to a fair trial, or subjecting them to unfair legal proceedings.

- Unlawfully deporting, transferring, or imprisoning people against their will.
- Taking hostages in order to gain leverage or control.⁴

2. Russia Ukraine Relations

Their connection goes back more than a thousand years to the Kyivan Rus, a medieval kingdom centered in present-day Kyiv that both nations see as their cultural roots. Over the centuries, Ukraine has been caught between powerful neighbors — from Mongols to Poles to Russians — each leaving its mark. When the Russian Empire took over much of Ukraine in the late 1700s, it tried to erase Ukrainian identity by banning its language and pushing Russian culture. Under Soviet rule in the 20th century, Ukraine endured some of its darkest times, including the devastating famine of the 1930s that killed millions. These experiences shaped the people and deepened divides: the east, long under Russian influence, still shares many ties with Russia, while the west leans more toward Europe. When Ukraine gained independence in 1991 after the Soviet Union collapsed, it was free — but still facing the challenge of uniting its different regions. These old tensions erupted again with Russia's takeover of Crimea in 2014 and the ongoing conflict in the east, showing how deeply history still echoes in the present. (Conant)

Here are major war crimes by Russia in Ukraine, as detailed by investigators, international courts, and human rights organizations:

- 1) **Unlawful Deportation of children of Ukraine:** Russian authorities are accused of forcibly removing Ukrainian children from occupied territories and relocating them to Russia. The International Criminal Court (ICC) issued arrest warrant to the President Vladimir Putin and Maria Lvova-Belova (the Kremlin's lead official for children's affairs) for "the war crime of unlawful deportation and transfer of children." Nearly 20,000 children are missing or believed to be under Russian control. Russian officials have described these actions as humanitarian, but investigations found

¹ Mearsheimer J., "Why the Ukraine Crisis Is the West's Fault," Foreign Affairs, Vol. 93, No. 5, 2014, pp. 77–89.

² Ibid.

³ ICC ART 8

children placed with Russian families, coerced adoptions, and exposure to pro-Russian propaganda.⁵

- 2) **Mass Killings of Civilians in Bucha and Irpin:** Following Russia's retreat from areas near Kyiv in early 2022, hundreds of civilian corpses were found—many shot with bound hands or buried in hastily dug graves. These events in Bucha and Irpin shocked the world, halted cease-fire talks, and led to criminal charges against dozens of Russian soldiers. The U.S. imposed sanctions against commanders involved, citing “extrajudicial killings.”
- 3) **Attacking Civilian Infrastructure (“Power Overload”):** Russian military strategy shifted to targeting Ukraine's civilian infrastructure, including energy grids and power plants. Cruise missiles, drones, and other ordnance were used to cripple the electrical system, aiming to demoralize the population by depriving them of heat and power during winter. The ICC issued arrest warrants for Russian commanders overseeing such air campaigns, which constitutes war crimes in international law unless such infrastructure is used for direct military purposes.
- 4) **Battlefield Executions and Mistreatment of POWs:** There have been cases of Ukrainian prisoners of war (POWs) executed by Russian forces, including video evidence of summary executions. At least 71 Ukrainian POWs have been executed, with many others reporting torture and sexual violence. Such acts are violations of the Geneva Conventions. The United Nations has reported that Ukrainian forces have executed Russian POWs and committed abuses, though on a smaller scale.[1]
- 5) **Deliberate Attacks on Civilians (e.g., Kramatorsk Train Station):** Missile strikes on civilians are among the deadliest crimes. On April 8, 2022, a missile attack on Kramatorsk train station—where hundreds waited to evacuate—killed at least 58 and wounded over 100. Cluster munitions were reportedly used, and evidence points to Russian forces as the perpetrators. Deliberate targeting civilians and the infrastructure constitutes a war crime under international humanitarian law. Other high-casualty events include the siege and bombardment of Mariupol, mass destruction in civilian areas, and attacks on hospitals.
- 6) **“Double-Tap” Strikes:** Investigators report Russia has used a tactic called “double-tap” strikes: launching an initial attack, waiting for rescuers and investigators to arrive, then striking again. This not only targets civilians but also deliberately endangers those providing aid—another clear violation of the laws of war.
- 7) **Civilian Death Toll and Ongoing Investigation:** As of the latest reports, over 12,600 Ukrainian civilians have been killed since February 2022, with alleged Russian war crimes numbering more than 153,000 cases being investigated. The ongoing documentation and evidence gathering are crucial for potential future prosecutions in international or national courts.⁶

Legal Framework - the Geneva Convention

Geneva Conventions of 1949, which all countries in the world have signed, are a big aspect of international humanitarian law. Two more accords have added to and expanded the Conventions: the Additional Protocols of 1977, which protect victims of armed conflicts, and the 2005 Additional Protocol III, which adds another unique emblem.

These Conventions set out clear standards to protect injured, sick, or shipwrecked soldiers, prisoners of war, civilians, and medical staff, as well as military chaplains and civilian support workers.

All 4 Geneva Conventions of 1949 are detailed international treaties with specific articles defining protections in armed conflicts:

- 1) **First Geneva Convention** (Protection of the Wounded and Sick in Armed Forces on Land):
 - It covers protections for wounded and sick soldiers on the battlefield.
 - Key articles include Article 1 (respect for the Convention), Article 3 (non-international conflicts), and Articles 12–18 (protection and care of the wounded, search and evacuation, recording casualties, and role of the population).
 - It also details protections for medical personnel and establishments, hospital zones, protected personnel, and the use of the Red Cross emblem.
 - Prohibition of reprisals and sanctions for grave breaches are established in later articles.
- 2) **Second Geneva Convention** (Protection of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea):
 - Articles mirror the first Convention but apply to naval forces, including hospital ships.
 - Articles 1–3 define applicability including non-international conflicts.
 - Articles 12–21 focus on the protection and care of wounded and shipwrecked personnel, rules for hospital ships, and medical transports.
 - Detailed provisions govern medical personnel identification, distinctive emblems, and the limitation and prevention of emblem misuse.
 - It also contains procedures for execution and penal sanctions for violations.
- 3) **Third Geneva Convention** (Treatment of Prisoners of War):
 - This covers humane treatment of POWs, beginning with Articles 1–11 on general provisions including the definition -prisoners of war.
 - Articles 12–16 establish protections including humane treatment, maintenance, and equality of treatment.
 - Significant sections detail captivity conditions, labor, finances, correspondence, complaints, disciplinary measures, and repatriation.
 - The convention also regulates religious, intellectual activities, and the administration of justice for POWs.
 - It concludes with enforcement and penalties for violations.

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<https://www.czasopisma.uni.lodz.pl/Iuridica/article/download/2298/7/23372/53857>

⁶ <https://www.rferl.org/a/russia-ukraine-war-crimes/33336084.html>

- 4) **Fourth Geneva Convention** (Protection of Civilian Persons in Time of War):
- Articles 1–6 define the general provisions including respect for the Convention, applicability, and definitions of protected persons.
 - Subsequent articles prohibit violence, torture, hostage-taking, collective punishments, and provide protections for hospitals and civilians in occupied territories.
 - The Convention includes provisions on derogations, ending of protections, and procedures for violation inquiries.
 - It requires the prevention and repression of breaches with sanction provisions.

The Additional Protocol of Geneva Convention of 12 August 1949, relating to the Protection of Victims of International Armed Conflicts (Protocol I), adopted on 8 June 1977 and entered into force on 7 December 1979, supplements the original Geneva Conventions by enhancing protections for victims of international armed conflicts.

3. Recommendations

Strengthen international monitoring and enforcement mechanisms to ensure compliance with the Geneva Conventions and other international humanitarian laws.

Enhance cooperation among international bodies such as the ICC⁷, United Nations, and regional organizations to investigate and prosecute war crimes effectively.

Improve documentation and evidence collection on war crimes through support for independent observers, journalists, and human rights organizations on the ground.

Provide comprehensive support and protection for victims, including psychological care, legal aid, and reparations.

Increase awareness and training for military personnel and armed groups on the laws of armed conflict and the consequences of violations.

Implement stricter sanctions against individuals and states found responsible for war crimes to deter future violations.

Promote diplomatic efforts to resolve the conflict peacefully and prevent further humanitarian crises.

4. Conclusion

The frequent breaches of Humanitarian Law have been witnessed throughout the Russia Ukraine War, with significant evidence pointing to war crimes committed by involved parties. It is imperative for the international community to uphold and enforce the Geneva Conventions rigorously to protect civilians, prisoners of war, and vulnerable populations. Effective legal accountability, combined with humanitarian assistance, is essential to restore justice, support victims, and pave the way for lasting peace and reconciliation in the region. Continued efforts in documentation, prosecution, and international cooperation

remain vital to prevent impunity and uphold human dignity in times of conflict.

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⁷ International Criminal Court