



The participation of civilians in armed conflicts: A case study of the Russian-Ukrainian war

A participação de civis em conflitos armados: Estudo de caso da guerra Russo-Ucraniana

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ABSTRACT

In a common practice since the Middle Ages, women, children, the elderly, unarmed combatants and prisoners of war have been under the aegis of rules guaranteeing their rights to integrity. With the deployment of weapons with a high destructive potential in civil conflicts in the mid-19th century, a new discussion about the protection of groups indirectly involved in the fighting emerged, and a new type of institutionalized legislation was developed, agreed at international level through multilateral conventions. In 1864, as one of the milestones of the new humanitarian legal portfolio, the Geneva Convention for the Amelioration of the Condition of the Wounded in Armies on Campaign presented the international sphere with a new code of general application, which proposed equal support for wounded combatants.



Keywords: Civilians, Armed Conflicts, Russian-Ukrainian, War.

RESUMO

Em uma prática comum desde os tempos da Idade Média, mulheres, crianças, idosos, combatentes desarmados e prisioneiros de guerra estiveram sob a égide de normas que garantem seus direitos à integridade. Com a implementação de armamentos bélicos de alto potencial destrutivo em conflitos civis, em meados do século XIX, uma nova discussão acerca da proteção dos grupos indiretamente envolvidos nos combates emergiu, sendo desenvolvida um novo tipo de legislação institucionalizada, acordada em âmbito internacional mediante convenções multilaterais. Em 1864, como um dos marcos propulsores do novo “portfólio” jurídico humanitário, a Convenção de Genebra para a Melhoria das Condições dos Feridos nos Exércitos em Campanha apresenta à esfera internacional um novo código de aplicação geral, o qual propõe o amparo igualitário aos combatentes feridos.

Palavras-chave: Civis, Conflitos Armados, Russo-Ucraniana, Guerra.

1 INTRODUCTION

In a common practice since the Middle Ages, women, children, the elderly, unarmed combatants and prisoners of war have been under the aegis of rules guaranteeing their rights to integrity. With the deployment of weapons with a high destructive potential in civil conflicts in the mid-19th century, a new discussion about the protection of groups indirectly involved in the fighting emerged, and a new type of institutionalized legislation was developed, agreed at international level through multilateral conventions. In 1864, as one of the milestones of the new humanitarian legal portfolio, the Geneva Convention for the Amelioration of the Condition of the Wounded in Armies on Campaign presented the international sphere with a new code of general application, which proposed equal support for wounded combatants.

Even though new principles and clauses relating to the protection of civilians and the conduct of belligerents were drawn up after the 1st Geneva Convention, it has established itself as a reference for the formal constitution of International Humanitarian Law (IHL). According to the International Committee of the Red Cross (ICRC), IHL is based on

[...] a set of rules that seek, for humanitarian reasons, to limit the effects of armed conflict. It protects people who are not or who have no longer participated in hostilities and restricts the means and methods of warfare. International humanitarian law is also known as the law of war or the law of armed conflict (ICRC, 2004).¹

The structure of the rules that make up International Humanitarian Law has been segmented into two different categories. The first refers to the premises drawn up during the four Geneva Conventions in 1949, giving rise to the so-called Geneva Law, which aims to safeguard the victims of armed conflicts, making up

¹ International humanitarian law is a set of rules which seek, for humanitarian reasons, to limit the effects of armed conflict. It protects persons who are not or are no longer participating in the hostilities and restricts the means and methods of warfare. International humanitarian law is also known as the law of war or the law of armed conflict (ICRC, 2004).



the core of IHL (COMANDO DA AERONÁUTICA, 2013). The First Convention provides for the protection of the sick and wounded in land wars, as well as medical and religious personnel, recognizing distinctive emblems. As for maritime conflicts, the Second Convention also seeks to cover shipwrecked and hospital ships, replacing the 1907 Hague Convention for the adaptation of the Principles of the Geneva Convention to Maritime Warfare (ICRC, 2010).

Replacing the 1929 text on prisoners of war, the Third Geneva Convention focused on the rights of prisoners in combat. With greater categorical specification, it also established the principle of rapid repatriation and release (ICRC, 2010). Finally, it was the responsibility of the Fourth Convention to grant the rights of civilians, spelling out the clauses for the general protection of the population, also addressing the situation of individuals in occupied territory. These provisions marked a new legal panorama for international humanitarian issues and were incorporated into the regulations agreed in the Hague Conventions, which were established in the additional protocols to the Geneva Conventions (SANDOZ; SURBECK, 1979).

The so-called Hague Law, the second component of International Humanitarian Law, refers to the rules established in the Conventions of 1899 and 1907, relating to the rights and duties of combatants, as well as their conduct on the battlefield. The legislation related to the methods used in war was drawn up by adding other declarations and conventions concerning three main points: the prevention of war, the protection of victims of conflicts and basic rules for the behavior of belligerents. In this context, the Hague jurisdiction was shaped by the incorporation of 20 international agreements and is now categorically understood as the second face of IHL (SANDOZ; SURBECK, 1979).

Therefore, the first Geneva Conventions were present in international law even before the Second World War, although the conflict was responsible for demonstrating that humanity as a whole did not yet have sufficient protection mechanisms.

Thus, the documents mentioned were agreed and adopted by the states themselves: the Four Geneva Conventions of August 12, 1949, which are the diplomas in force and applied to this day and represent the search for harmony in military practices in the face of humanity, trying to guide conflict practices so that they do not result in the suffering of others and unbridled destruction.

In this sense, there is a pattern and concern to express in the Geneva Conventions general provisions that would apply to all, with brief changes according to the purpose of each Convention (the first twelve articles).

This is exemplified by Article 3, which is common to all the Conventions and applies to both international and non-international armed conflicts. In this sense, they must be applied and respected by all parties involved in an armed conflict, regardless of their motivations for fighting a war.



The Geneva Conventions have also been complemented by their three Additional Protocols. The first two were adopted in 1977, both aimed at strengthening the protection of victims of armed conflicts, but each with its own perspective: Additional Protocol I applies to international armed conflicts, while Additional Protocol II applies to non-international conflicts (ICRC, 2010). In turn, Additional Protocol III adds a third emblem named "Red Crystal", which becomes part of the International Movement alongside the Red Cross and Red Crescent, as a way of consolidating its universality and neutrality, characterizing greater independence of humanitarian action in times of conflict (ICRC, 2007).

Throughout history, civilians have always suffered the consequences of war, but since the Second World War there has been a shift in military targets towards the civilian population. The first three Geneva Conventions were responsible for laws that guaranteed rights for military personnel, combatants, the captured, the sick, etc. (CICR, 2010), so the fourth convention required laws to ensure the safety of civilians.

In 1949, the "protection of civilians" was created, which guarantees the safety and rights of anyone who is not characterized as a direct or active party to combat and their material property, which would be endorsed by additional protocols in 1977. Enemy parties must guarantee the rights of captured civilians, always maintaining the principle of human dignity as a basic priority. The law extends to humanitarian groups, since all parties to the conflict must open up territory so that assistance can reach those in need. There are also groups that IHL considers vulnerable, such as women, children, the elderly and refugees. They receive special, deserved attention that protects their rights (ICRC, 2010).

With regard to the protection of civilians in armed conflicts, there are three areas that particularly affect this part of the population: the conduct of hostilities, sexual violence and humanitarian access. There is also concern about the number of civilians affected by operations conducted by non-state groups (SECURITY COUNCIL REPORT, 2013). In the Congo resolution, there were provisions for those responsible for sexual crimes committed during the war to be held accountable and answerable for their actions. After this event, there was some hope that this would be extended to other current armed conflicts. The Secretary General of the UN Security Council recently expressed his desire for a new Security Council specializing in the protection of civilians. There is still a lot of disagreement among the members of the council, while some agree with the idea presented, others think that it is not necessary because there are already other entities within the organization that can already deal with the situation (SECURITY COUNCIL REPORT, 2013).

The problem, since the creation of the civilian garrisons, has been the great difference between theory and practice. The regulations that indicate how a war should be waged and the legal apparatus that legitimizes combat are common knowledge, but the difficulties in implementing the rules indicate a different reality. Non-compliance with interpretations of international humanitarian law is a common occurrence, but systematic violations by parties to conflicts cannot be seen as inevitable (HPG POLICY BRIEF, 2015).



The civil wars in Rwanda and Yugoslavia in the 1990s shocked international society and embroiled the entire international legal, humanitarian and political sphere in a controversy, where questions were raised and answers demanded. Overcome by guilt and pressured by a sense of justice and reparation, the United Nations Security Council made the protection of civilians one of the priorities on its agenda. Thus began the creation of various ways to protect the victims of conflicts, which continue to this day; however, recent conflicts show that the initiatives have not yet been properly achieved.

The most explicit case today is the Russian-Ukrainian war, which has been going on since February 2022, and one of its main features is the clear Russian initiative to devastate civilian assets. The use of high-performance military weaponry has its consequences, with thousands of civilians killed and the country's infrastructure being heavily destroyed, resulting in the majority of the Ukrainian population being unable to access energy and water. According to Anton Sulov, a specialist in political analysis, hundreds of civilians have been killed and thousands are suffering (...) When unable to win on the front, Putin's soldiers target civilians" (CORREIO BRAZILIENSE, 2022).

What Sulov found is the new reality of today's wars. This does not mean that during history there were no signs of brutalities against non-acting parties, but with the growing international concern for the victims of conflicts and the creation of moderating channels that legalize the means of waging war, the violations that governmental and non-governmental groups commit in today's armed conflicts are more noticeable. The complete disregard for international law and the principles that govern the UN Charter is the factor that makes it profoundly difficult to protect the human and property rights of the parties not involved in armed combat.

States have the primary responsibility to implement and enforce international law. They have an obligation to respect and enforce IHL. These principles encourage states to incorporate IHL into their local legal norms and to investigate and prosecute war crimes committed by their own citizens. There are also certain mechanisms, both international and hybrid, that exist to substantiate IHL. The International War Tribunals, which were widely used in the cases of Yugoslavia and Rwanda, both because of the macabre content of the wars and the genocides committed in both conflicts, are a well-known example, as is the International Court of Justice, which is responsible for trying individual people who are in some way connected to international crimes. Many countries also adopt non-judicial means to deal with global crimes and atrocities, with the promotion of peace and reconciliation in the final stages of conflicts as another clear objective of this alternative measure. Remedies, reparations and compensation for victims, public apologies, truth and reconciliation commissions, as well as the construction of museums, memorials and monuments that remember the atrocities committed and their victims are important.



2 OBJECTIVE

The aim of this article is to briefly present a contextualization of the current conflict between Russia and Ukraine, as well as to point out the actions of civilians in this scenario, and to raise the legal responsibilities of those who have acted in this way.

3 METHODOLOGY

The methodology is based on a review of studies on the protection of civilians in war scenarios, especially in the Russian-Ukrainian situation. However, it is necessary to consider two elements in order to carry out this research. Firstly, since the conflict is contemporary, there are certain limitations in terms of the availability of some information and other research. With this in mind, the authors have made an effort to seek out impartial sources of knowledge, looking at both Western and Eastern research, in order to provide a context and analysis that understands both sides of the conflict.

4 DIRECT PARTICIPATION IN HOSTILITIES

First of all, the causes of the conflict between Russia and Ukraine need to be clarified. With regard mainly - but not exclusively - to the Western perspective on the outbreak of the war, there are arguments that current Russian President Vladimir Putin is adopting a series of imperialist measures in relation to neighboring countries. In this context, "Vladimir Putin is on an imperial mission to restore control over what he believes to be 'historic Russia'. Every time his regime senses weakness, he encourages aggression" (LUTSEVYCH, 2022)². In relation to this aggression, Orysia Lutsevych (2022) points along to the annexation of Ukrainian territories, deportations, filtration camps, forced issuance of Russian passports, targeted killings, torture and total suppression of freedom of expression.

In this vein, the conflict has received a great deal of attention from the media, international and political analysts, researchers and professionals in the legal field and political and social sciences in various fields. This is because the very act of going to war with Ukraine, declared by Russia, is a violation of the United Nations Charter and the guidelines of Public International Law (FRANCE, 2022). The conflict, which began in February 2022, has not only caused humanitarian damage but also economic damage and concern on the European continent in general. "Eight months of war have caused enormous damage to Ukraine: more than six thousand civilians have been killed, millions have left their homes, GDP has fallen by 30% and the country has lost 15% of its territory" (FERRARO, 2022, p. 23).

Ferraro therefore points out that the conflict was marked by three phases until October 2022. The first can be understood as a large-scale invasion and began on February 24, characterized by attacks on

² Vladimir Putin is on an imperial mission to restore control over what he believes is 'historic Russia'. Each time his regime senses weakness, it emboldens aggression.



different *fronts* and an attempt by the Russian army to take the capital Kiev, which the author considers to be an inclination towards the goal of overthrowing Zelensky's government. The second phase began with the retreat of Russian troops from the Kiev region on April 4, along with the concentration of troops in the two Donbass regions (Donetsk and Luhansk). Territories in these regions were controlled by pro-Russian groups, supported militarily and economically by Moscow.

The third phase of the war, in progress up to the date of publication, as elucidated by Ferraro (2022), is characterized by a Ukrainian counter-offensive, possibly marked by the drone attack on the Russian Black Sea Fleet in Crimea on July 31. The first phase was marked by the failure of the Russian army, while the second was successful. In view of these three phases, it is necessary to understand the actions of civilians in the current conflict.

5 CASE STUDY OF THE RUSSIAN-UKRAINIAN WAR

Understanding Russia's geopolitical and military dynamics goes beyond the country's historical movements to reach the strategies built by the Russian Federation in its regional and global agenda. The maneuvers involving the annexation of Crimea in 2014 are relevant to understanding the current scenario and conjuncture involving the Russian-Ukrainian conflict. The interests and objectives, according to Oualaalou (2020), are linked to Russia's willingness to expand its sphere of influence in the international system and solidify its power, thus facilitating the promotion of its external agenda through political maneuvers and military assistance. In this sense, Vladimir Putin's government has used economic manoeuvres, such as the creation of the Eurasian Economic Union (EEU), to organize internal cohesion to validate its government and external cohesion to form alliances that could support it (OUALAALOU, 2020).

The official document published by the North Atlantic Treaty Organization (NATO) on Russian security strategies in 2020 lists Russia's strategic vision and guidelines with the focal point being the energy system, where the approaches of these Russian state strategies act as an umbrella for other security policies. Another aspect pointed out by NATO is that culture plays a prominent role in shaping views of Russian history in terms of the cult of victory. These approaches were, and still are, major factors in fostering a language of threat and leadership (NATO, 2020). These favorable commercial conditions provided by Russian investments in the Eurasian region made the environment conducive to the changes undertaken by Russia, thus making it possible to annex Crimea (OUALAALOU, 2020).

In addition, the Russian Federation has initiated strategies to annex Ukraine, but the tactics of intimidating, managing and expanding its regional sphere of influence have met with resistance in its expansionist political strategy. The Putin government's aspirations go back to Russia's history as a desire to regain its lost global power, influence and status, and to this end, historical claims lead them to push for the annexation of the other Russian-speaking border states (OUALAALOU, 2020). The tensions, which began



in 2014 with the annexation of Crimea, have led to the Russian-Ukrainian conflict gaining strength with the Russian military concentration near the Ukrainian border (DELLAGNEZZE, 2022). The disputes involving the two countries in the post-Soviet era are dealt with in an atmosphere of conflict (MIELNICZUK, 2006). Like the Baltic countries, Ukraine is concerned about the *status of* the Russian minority living on its territory as a way of interfering in internal Ukrainian politics (MIELNICZUK, 2006).

The spatial disputes taking place in the former Soviet geographical space are not new. After the dissolution of the USSR, these spatial disputes were accentuated by the new state geopolitical disputes that began to emerge there. The Nagorno-Karabakh conflict (1988 and 2020), the Chechen (1994 and 1999) and Russo-Georgian (2008) wars are just a few examples. The recent Russo-Ukrainian crisis is just another consequence of this fragmentation, which exposes new geopolitical plots and the spatial practices associated with them (SANTOS, 2020, p. 2).

The fear of Russian interference in Ukrainian territory was consolidated in 2022. On the other side of the spectrum, Putin accuses NATO of installing military bases on the borders to persuade Eastern European countries in an attempt to control the region. In the meantime, amid accusations and tensions, the Russian government has taken steps to expand Russian territory. On February 24, 2022, Russia attacked Ukraine on several fronts, launching a major invasion (CRISIS GROUP, 2022). Since 2014, Russia has been identified as a financier of separatist groups, its interest focused on controlling a large part of the two heavily industrialized regions of Donetsk and Lugansk, also known as Donbass (CRISIS GROUP, 2022).

In 2014 and 2015, the Russian Federation, Germany, Ukraine and France signed the Minsk Protocol. It established respect for the territorial integrity and sovereignty of Ukraine and provided for a ceasefire, the withdrawal of heavy artillery, the creation of a security zone and the handing over of full control of the border to Ukraine (DIAS, 2015). However, the agreements were never implemented, and the fighting turned into trench warfare, with around 75,000 soldiers facing each other along a 420 km front line cutting through densely populated areas (CRISIS GROUP, 2022). For Santos (2022), another important factor for the Russians, and one that inflames tensions, is space: the territory is rich in natural resources (natural gas, oil, iron ore and the like) and provides a link between Europe and Asia, with Russia acting as a kind of bridge between the trade flows and infrastructures of these two areas.

In the course of the Russian-Ukrainian conflict, other analyses were necessary to understand the scale of the consequences. In this case, it includes the human cost of the war from 2014 to early 2022 and the relationship between diplomatic de-escalation efforts and the patterns of combat and loss of life (CRISIS GROUP, 2022). The consequences of the war have left more than six thousand civilian deaths in Ukraine; around 30% of the population has left their homes at some point; more than 15% of the territory is occupied or annexed by Russia (FERRARO, 2022).

Figure 1: Graph of victims by category and cause



Source: *International Crisis Group, 2023.*

The decrease in the Ukrainian military contingent during the Russian-Ukrainian conflict, coupled with the human cost to civilians of the attacks, led the population to arm themselves, an attitude validated and called for by Ukrainian President Volodymyr Olexandrovytch Zelensky. This phase of the conflict reveals that the protection of civilians in the operations was not well executed by the Ukrainian government, thus facilitating the possible emergence of insurgent groups (CRUZ, 2022). The conflict is strongly marked by ethnic, linguistic and cultural issues that divide the country into large identity groups. This layer of the conflict, together with the presence of armed separatist groups, creates an environment of hostility (ALMEIDA; MAKIO, 2022).

Thus, the complementary operation for the evacuation of non-combatants must be planned, with the provision of troops (generation of combat power) and civilian agencies to support the evacuation effort and to provide humanitarian aid to the population affected by the conflict (CRUZ, 2022).

In a speech on February 24, 2022, the Ukrainian president promised to provide weapons to everyone who wanted them (LOPES, 2022). The BBC report (2022) states that Vadym Denysenko, an adviser to the Interior Ministry, says that 18,000 weapons "have been distributed in Kiev to all volunteers, all those who want to defend our capital with weapons in their hands". "The nationalist regime in Kiev is massively and uncontrollably distributing light automatic weapons, grenade launchers and ammunition to residents of



Ukrainian settlements," said the spokesman for the Russian Defense Ministry, Major General Igor Konashenkov (HODGE; COTOVIO, 2022).

Civilian participation in the Russian-Ukrainian conflict returns to International Humanitarian Rights (IHL), analyzing the legal responsibilities attributed to civilians. In this sense, the 1949 Geneva Convention and Additional Protocol I governed the consequences of the actions of civilians during the armed conflict.

The civilian movement in Ukraine began with the Russian invasion of the Ukrainian borders, which aroused civilian resistance as a way of preventing the advance of Russian troops. Before the Ukrainian government called on civilians to stay in the country and fight, civilians were already arming themselves and training in shooting clubs, with the participation of children, the elderly and young people, as well as volunteering for the Territorial Defence Forces, a military organization of the armed forces formed by volunteers to fight on behalf of Ukraine. The Ukrainian government has banned men aged between 18 and 60 from leaving the country, calling on them to defend and provide support during the conflict, many without military training. According to international media outlets, the Ukrainian authorities have distributed around 18,000 rifles to volunteers in Kiev willing to fight.

Civilians take part in hostilities for various reasons, whether for security, patriotic duty or involuntarily. In the case of the war in Ukraine, many volunteered for territorial defense, others stayed to help with food distribution and service, or individually decided to defend their regions. In each case, international law establishes standards to which civilians who are involved in hostilities are held accountable, as well as their rights in the event of capture by Russian forces, direct involvement in the conflict and in the event of death.

In principle, as Bohland (2015, p. 8) states, civilians are discouraged by law from participating in hostilities and joining the fight, as their immunity rights may be violated and they may be targeted during armed conflicts. In the 1977 Additional Protocol I to the 1949 Geneva Conventions, Article 51.3 states: "Civilians shall enjoy the protection conferred by this Section unless and for such time as they take a direct part in hostilities". The protection referred to in Article 51 refers to protection against dangers arising from military operations and acts or threats of violence that terrorize the civilian population. In this context, Ukrainian citizens who take part in acts considered hostile lose their right to protection, but can regain it when they completely stop their hostile acts. However, direct participation sets precedents for Russian military forces to justify attacking these civilians by claiming the use of force.

The act of Ukrainians volunteering for the Territorial Defense Forces and in resistance groups is understood to be a strategic act to comply with the right to protection of persons participating in conflicts. Article 43 of Protocol I recognizes the participation of armed and organized groups and units in hostilities, granting them "combatant immunity", in which they are not punished for their acts of violence, as long as they do not violate humanitarian rights, and have privileges in cases of capture. Furthermore, Article 4A(2)



of the Third Geneva Convention establishes the criteria for the participation of persons in hostilities. As Emily Crawford rightly points out:

According to Article 4A(2), other groups of volunteers not formally incorporated into the armed forces of the state are entitled to the status and treatment of combatant and prisoner of war, provided that they are under responsible command, wear a fixed distinctive sign recognizable from a distance, carry their weapons openly and conduct their operations in accordance with the law of armed conflict. (CRAWFORD, 2022, our translation)³

In this way, the Territorial Defense Forces have legitimacy under IHL to participate in hostilities directly, so that civilians who choose to volunteer obtain rights as combatants and not civilians in direct participation in hostilities. In this regard, Crawford states:

[...] any member of the Territorial Defense Force, openly bearing arms, wearing a yellow armband, and behaving in accordance with the applicable TIP, is entitled to combatant immunity, may actively participate in hostilities, and shall receive prisoner of war protection if captured by Russian forces (CRAWFORD, 2022, our translation)⁴

As mentioned earlier, at the beginning of the Russian invasions, Ukrainians resisted and prepared to confront the enemy forces. Many with their own weapons or even with their bodies, as was reported in the media when civilians tried to stop the advancing tanks. Within the framework of the International Law of Armed Conflict (ILAC), citizens are given the right to take collective action, in which they can "take up arms against an invading force when there is no time to organize regular armed forces, provided that they bring their weapons in sight and respect the law of war customs" (art.4, III Geneva Convention of 1949). According to Schmitt:

If the population organizes itself and goes on the offensive against the group, it is still not participating in the hostilities by law if its motivation is simply to stop the attacks. On the other hand, if this motivation is, or is likely to affect the course of hostilities in favor of one of the parties, then the actions will have entered the realm of direct participation. (SCHMITT, 2004, p.520)

With the continuation of the Russian-Ukrainian conflict, the participation of civilians in armed conflicts is included in some of the categories of the DICA order, making them responsible for their actions according to their conduct during the conflict. The form of participation in the conflict will imply the treatment they will receive, related to punishments, legal redress, security, financial assistance for injuries

³ Under Article 4A(2), other volunteer groups not formally incorporated into the armed forces of the state are entitled to combatant and POW status and treatment, provided they are under responsible command, wear a fixed distinctive sign recognizable at a distance, carry their arms openly, and conduct their operations in accordance with the law of armed conflict.

⁴ [...] that any member of the Territorial Defense Force, carrying arms openly, wearing a yellow armband, and conducting themselves in compliance with applicable LOAC, is entitled to combatant immunity, may actively participate in hostilities, and must be afforded POW protections if captured by Russian forces.



(BOHLAND, 2015, p.28), and in cases of death if a civilian, combatant or direct participant is judged to have died.

6 FINAL CONSIDERATIONS

This research sought to analyze the participation of civilians in armed conflicts, based on the case study of the Russian-Ukrainian war. Before entering into the discussion and analysis of the conflict, it was necessary to analyze International Humanitarian Law, which covers the principles of the four Geneva Conventions of 1949, which protect people who are not directly involved in hostilities and those who are out of combat in international armed conflicts. The four conventions seek to protect the sick, wounded, shipwrecked, prisoners of war and civilians.

The need to create rights to protect civilians in conflicts arose after the Second World War, when the worst atrocities committed were revealed to the world and began to be judged in international courts. Many lessons were learned from the war, including the fact that humanity did not have the necessary protection mechanisms.

In this sense, the Four Geneva Conventions of August 12, 1949, emerged to guarantee the right to war, as a way of reconciling military practices, preventing the unnecessary suffering of combatants and civilians on the battlefield. War crimes were incorporated into international law by the Geneva Convention after the end of the war. The crimes committed by the Nazis and Japanese officers during the war were tried at the Nuremberg and Tokyo Tribunals, created in 1945 and 1946 respectively.

The current conflict between Russia and Ukraine, the case study of this research, establishes one of the main threats to global security and peace. The conflict was analyzed in an aspect that combines international relations with international law, seeking to explore the balance of power in the post-Cold War era, exposing the main norms governing the right to civilians since 1949.

Like any large-scale conflict, the Russian-Ukrainian conflict has attracted international attention, attracting political analysts, academic researchers and professionals. By invading Ukraine, Russia has violated the guidelines governing the United Nations Charter, causing humanitarian and economic damage, which has added to the pandemic crisis and resulted in a global crisis.

Therefore, it can be inferred that the research has contributed to human rights studies during international armed conflicts, in the field of law and international relations, as well as to studies identifying war crimes. Throughout this research, the need for stricter application of human rights by states has been noted. In this scenario, states and international organizations, faced with a threat or violation of human rights, have the task of protecting human dignity and everything that surrounds it, seeking solutions through dialogue and negotiations to avoid the idea of armed conflict.



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