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MAIN PROVISIONS OF THE GENEVA CONVENTIONS AND THEIR IMPACT ON THE FORMATION OF INTERNATIONAL CRIMINAL LAW

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International legal acts regulate military conflicts around the world. The Geneva Conventions play a decisive role in the international legal field. The Geneva Conventions are a set of international treaties that regulate the humanitarian aspects of armed conflicts and protect the rights and freedoms of persons not involved in combat operations. Generally, the text of the Geneva Conventions is divided into four main documents: the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field [1]; the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea [2]; the Geneva Convention Relative to the Treatment of Prisoners of War [3]; the Geneva Convention Relative to the Protection of Civilian Persons in Time of War [4].

It is important to emphasize that all countries participate in the Geneva Conventions, which undoubtedly highlights the significance and recognition of the norms enshrined in these documents. Ukrainian scholars M. Hnatovskiy and T. Korotkiy note that war crimes are severe violations of the laws and customs of war. The four Geneva Conventions, adopted on 12 August 1949, and Additional Protocol I [5] to them, adopted on 8 June 1977, oblige the states-parties to criminalize severe violations of international humanitarian law by their national legislation. In Ukraine, this requirement is enshrined in Article 438 of the Criminal Code of Ukraine, «Violation of the Laws and Customs of War» [6]. The states-parties must prosecute individuals who have committed severe international humanitarian law crimes and hand over such individuals to a state that is ready to carry out such prosecution. In light of this, it is essential to emphasize that war crimes, including military-related crimes, are subject to the principle of universal jurisdiction, which is fundamental in the Geneva Conventions. The principle of universality pertains to the possibility of any state bringing to criminal justice a person who has committed war crimes, regardless of where the

crime was committed, as well as irrespective of the nationality of both the offender and the victim [7].

The Geneva Conventions served as the foundation for the creation of various international tribunals, such as the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda, which were responsible for investigating and prosecuting violations of humanitarian law. Currently, the International Criminal Court handles the prosecution of war crimes. According to Article 8 of the Rome Statute, the International Criminal Court contains a list of war crimes under its jurisdiction.

According to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, signed in 1968, war crimes have no statute of limitations.

Article 50 of Geneva Convention I [1], Article 51 of Geneva Convention II [2], Article 130 of Geneva Convention III [3], and Article 147 of Geneva Convention IV [4] of 12 August 1949 classify the following as war crimes: willful killing; torture and inhuman treatment, including conducting biological experiments; willfully causing great suffering or serious injury to body or health; extensive destruction and appropriation of property not justified by military necessity, concerning persons and property protected by the Conventions; compelling a civilian or prisoner of war to serve in the armed forces of a hostile power; depriving a person of their right to a fair and regular trial; unlawful deportation or transfer of civilians; unlawful arrest of civilians; and taking hostages.

At the same time, according to Article 8 of the Rome Statute of the International Criminal Court [8], serious violations outlined by the Geneva Conventions also include criminal acts against persons or property protected under the provisions of the Convention, in addition to various serious war crimes.

The ratification of the Rome Statute by the Verkhovna Rada of Ukraine on 21 August 2024 marked the beginning of a new, more European approach to the protection of victims of war crimes, including crimes defined by the Geneva Conventions. Scholars E. V. Titko and M. S. Satsyk note that the ratification of the Rome Statute of the International Criminal Court [8] brings more positive than negative consequences, as it is an essential step in ensuring accountability for those who commit the most serious international crimes, such as crimes against humanity, war crimes, genocide, and crimes of aggression.

Undoubtedly, the importance of punishing those involved in crimes committed on the territory of Ukraine since 2014 is extremely high. Since the beginning of the aggression on 24 February 2022, the list of such crimes has significantly expanded, and the urgency of bringing the perpetrators

to justice has reached a critical level. According to the Rome Statute, a state may recognize the jurisdiction of the Court about a specific crime while actively cooperating without any delays or exceptions. Of course, work is being done to hold accountable those who commit crimes defined by the Geneva Conventions. At the same time, continuous efforts are being made to ensure that the provisions of domestic legislation comply with the requirements of international law [9, p. 251].

Given that the 1949 Geneva Conventions laid the foundation for the formation of modern international criminal law, establishing the basic principles for the protection of individuals involved in armed conflicts, it is logical to consider that they laid the normative foundations for the obligation of states to adhere to humanitarian standards, including the protection of civilians and ensuring the rights of prisoners of war. These international documents have made a significant contribution to the definition and criminalization of acts such as war crimes, crimes against humanity, and genocide, which have become key concepts in international criminal law.

The provisions of the Geneva Conventions made the creation of international tribunals and mechanisms for punishing violations of international humanitarian law possible. Given this, they continue to serve as a benchmark for assessing the actions of states and non-state actors during armed conflicts, ensuring legal accountability for committed crimes. The relevance of the Geneva Conventions is reinforced by modern challenges facing the international community, such as terrorism, military conflicts, and other human rights violations.

Thus, the Geneva Conventions regulate humanitarian aspects and serve as an essential tool for shaping the principles of justice and the protection of humanity at the international level. Their impact on the development of international criminal law remains steadfast, providing the legal basis for holding individuals accountable for serious crimes committed during armed conflicts. As a result, the Geneva Conventions continue to fulfill their mission, contributing to constructing a more humane and just world.

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