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Military Invasion of a Foreign State – An International Law Perspective

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ABSTRACT

From the dawn of time, it is apparent that several governments invaded other countries for several reasons, one of which was to extend their rich empire. An invasion is a military offensive in which a large number of combatants from one geopolitical entity enter territory owned by another with the goal of conquering, liberating, or re-establishing control or authority over the territory, forcing the partition of a country, changing or gaining concessions from the existing government, or forcing the partition of a country, or any combination of the foregoing. Invasion can start a war, be part of a wider conflict-resolution plan, or be a full-fledged war in and of itself. Invasion operations are often sophisticated in design and execution due to the huge size of the actions involved. Armed military intrusions almost always result in a variety of legal, normative, and regulatory violations. An effective legal framework limiting the behaviour of armed states and non-state actors should encompass international law. While Common Article 3 of the 1949 Geneva Conventions is certain to apply to the war, defining how and to what extent Additional Protocol II applies is more problematic, especially in light of the various armed groups operating in the nation. This article looks at how armed conflict interacts with international law, with an emphasis on the institutions that are evaluated in terms of their application of human rights legal frameworks, as well as their attempts to apply the appropriate legislation.

I. INTRODUCTION

Of course, the concept of rules of war is not new. Laws governing the conduct of hostilities date back several centuries, but international law norms prohibiting the use of force have been in place for most of this century. One of the paradoxes of international law is that it has one body of law meant to avoid war by limiting the conditions in which states may use force, and another created to control the conduct of war if the first is ignored. While the law of recourse to force and the law of war are distinct bodies of law with distinct aims and histories, they clearly have a strong link. If a state's use of force in international affairs is to be legal, it must

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follow certain rules. While the law on the use of force is more directly concerned with decision-makers at the government level than with military commanders in the field, both are influenced by that legislation and the law governing the conduct of hostilities using rules of engagement. Prior to 1919, international law acknowledged states' rights to use force to achieve their national interests. The most significant development in international law throughout the twentieth century was the replacement of that right with a general norm prohibiting the use of force in international affairs, with a restricted number of exceptions. Thus, Article 2(4) of the United Nations Charter provides that: "All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations."

II. HISTORICAL BACKGROUND OF MILITARY INVASIONS

It is vital to study the historical deployment and use of overseas military bases to grasp their contemporary value. The presence of foreign forces on the land of sovereign countries has long been seen as an odd and unsettling phenomenon. Military outposts have been used in other countries since Ancient Greece and its city-states. With the growth of the 15th century maritime empires, expansionist nations were able to establish trading stations, warehouses, and oversea bases to solidify their power and influence, with the goal of safeguarding critical interests. At that time, commercial importance began to merge with military concerns, with access to new regions for exploration becoming critical.

Foreign military bases were directly linked to the presence of foreign troops during the Colonial Period. The importance of India as a stopover for important routes into Asia explains the British Empire's presence in the Pacific Ocean, particularly in the Indian Territory. The same may be said of the American presence in the Pacific when it first began to set its roots to gain prominence in the Asia-Pacific region. During another era in the nineteenth century, the United States was expanding its industry as well as its international trade, and as a result, it needed new customers abroad. According to Alfred Mahan's book "The Influence of Sea Power on History," Washington believed that the only way to ensure access to international markets was to build a merchant and battleship navy supported by a network of naval bases that would keep communication lines open between the US and its new markets.

The only option for a military to gather enough reinforcements before radio communications and fast transportation was to deploy troops in a single mass. This, by definition, resulted in an invasion strategy. Much of the ancient world's expansion was influenced by cultural contacts in government, religion, philosophy, and technology.

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III. APPLICABLE INTERNATIONAL LAW

Domestic armed conflicts are subject to the same customer and treaty norms as international armed conflicts. As a result of the onset of armed conflict in a foreign country, the risk of escalation into an international armed conflict increases. The different sets of treaty regulations that commonly apply to such conflicts include Article 3 of the four Geneva Conventions, as well as the Protocol Additional to the Geneva Conventions on the Protection of Victims of Non-International Armed Conflicts (Common Article 3) of August 12, 1949 (Additional Protocol II).

IV. APPLICABILITY OF PROVISIONS OF COMMON: ARTICLE 3

It is a controversial dispute to determine as to what degree the provisions of Common Article 3, whose contents are part of international law for aggression regulation, controls wars. Some opponents argue that the provisions only protect people who are under the direct authority of a warring party, as a result, the terms of Article 3 will have no direct influence on how hostilities are conducted.[2] A close inspection of the article's language, however, reveals that it does much more. For instance, the idea of civilian immunity may be derived from the paragraph, which states that armed parties are not permitted to use violence against people who are not actively participating in hostilities.[3]

There must be an "armed conflict not of an international character occurring on the territory of one of the High Contracting Parties" for the proper application of provisions of Common Article 3. According to the International Criminal Tribunal for the Former Yugoslavia (ICTY) case law, two requirements must be completed in order to be declared a party to the war under international law: A "long-drawn" armed confrontation must exist, and any Armed Non-State Actors must be well-organized.[4] The notion of legislative jurisdiction, on the other hand, believes that international humanitarian law standards bind any individual, by the application of domestic law, adoption of these concepts into national laws, or direct application of self-executing norms are all possibilities.[5]

[2] Liesbeth Zegveld, The Accountability of Armed Opposition Groups in International Law, Cambridge Studies in International and Comparative Law, Cambridge University Press, Cambridge, 2002, p. 83;
[3] A. P. V. Rogers, Law on the Battlefield, 2nd edition, Manchester University Press, Manchester, 2004, p. 221.
[4] The Geneva Conventions of 12 August 1949: Commentary: First Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, ICRC, Geneva, 1952, pp. 49–50, available at: http://www.icrc.org/ihl.nsf/COM/365-570006?OpenDocument
[5] Yves Sandoz, Christophe Swinarski, and Bruno Zimmermann (eds), Commentary on the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949

V. APPLICABILITY OF PROVISIONS OF ADDITIONAL PROTOCOL II

The topic of how Additional Protocol II to the Geneva Conventions will be implemented in case of any ongoing armed conflict has arisen since its entrance into force in the December of 2009. According to Article 1, paragraph 1, the Protocol applies to "all armed conflicts involving a High Contracting Party's armed forces and dissident armed forces or other organized armed groups" that have sufficient control over a portion of its territory to conduct sustained and concerted military operations and implement the Protocol.

Additional Protocol II establishes a higher barrier to the application than Common Article 3. There are three basic factual prerequisites for the presence of an armed conflict between the insurgency and the government on the territory of a High Contracting Party, according to Article 1, paragraph 1.: To undertake continuous and coordinated military operations, as well as to carry out harm, the organized armed group(s) must be under accountable supervision and have authority over a section of the national territory. When the Protocol's cumulative conditions for Additional Protocol II application are without bias met, regardless of the opposing parties' viewpoints, the Protocol becomes instantaneously and automatically applied.[6]

VI. HUMAN RIGHTS VIOLATIONS IN MILITARY INVASIONS

Human rights limit the state's jurisdiction in interfering with the civil and political rights of its people/citizens, as well as ensuring the achievement of various rights for economic and social upliftment. It believes that freedom is the supremely important aspect of human beings' existence and that people's economic and social demands must be met. With the foundation of the United Nations shortly after World War II, human rights and their legal safeguards gained prominence. The Universal Declaration of Human Rights, which was adopted in 1948 by the United Nations, lays out the fundamental human rights that must be respected worldwide. The European Human Rights Convention was ratified in 1950, and the International Covenant on Civil and Political Rights was ratified in 1966, reaffirming that everyone has the right to exercise their human rights in both war and peace. Article 4 of the International Covenant on Civil and Political Rights and Article 15 of the European Convention on Human Rights, on the other hand, in the event of a national emergency, a state may temporarily suspend its responsibilities under the covenant and conventions. International humanitarian law, on the other hand, emphasizes the importance of upholding human rights during times of war, and the

[6] *Ibid*

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1949 Geneva Convention mandates the humane treatment of all individuals during times of armed conflict.

It's important to understand the distinction between human rights legislation and human rights. The former relates to a state's legal duties. The focus will be mostly on treaty legislation, which must be ratified before it can be implemented. With only sporadic references to regional treaties, the focus will be on international treaties, particularly the International Covenant on Civil and Political Rights. Nevertheless, it should not be overlooked that there are human rights institutions that exist because of the United Nations Charter. Neither the General Assembly nor the Security Council has addressed this issue. Because their resolutions suggest that both human rights law and armed conflict law can be implemented concurrently but do not specify to what degree the former is relevant, they should most likely be construed as indicating "to the extent to which human right is protected extraterritorially".

The International Court of Justice (ICJ) has taken a far more detailed approach. The Court stated in its Advisory Opinion on The Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory that human rights legislation continues to apply with minimal derogations.[7] On the basis of the same facts, it found violations of both the law of armed conflict under the provisions of the International Covenant on Civil and Political Rights (prohibition of arbitrary killings) in a contentious case, Armed Activities on the Territory of the Congo.[8] The facts discovered were clear and implicated a non-discriminatory right. As a result, the case provides no insight into the scope of human rights law's applicability. The relationship between human rights legislation and the law of armed conflict is significantly weakened if it only applies within a State's boundaries. It would imply that the overlap between the two would only apply in non-international armed conflicts and to the acts and omissions of the state on its own territory during an international armed conflict. If human rights law is to be extended extraterritorially, the question is to what extent and for what types of conduct.[9]

When campaigning for extraterritorial application of human rights legislation, the human rights movement is worried about a serious lack of accountability. It is concerned that the state will be permitted to do things that it cannot do within national borders. The argument would be flawed if this were the sole foundation on which it was built. The international community of human rights is oblivious to responsibility under the law of armed conflict. Its issue may be

[7] Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, 1996 1.e.1. 226, paras. 24-25 (July 8)
[8] 20051.C.J. 116, para. 216
[9] Extraterritorial application of "Human Rights Treaties (Fons Coomans & Menno T. Kamminga eds., 20(4); Michael J. Dennis, Application of Human Rights Extraterritorially in Time of Armed Conflict and Military Occupation", 99 American Journal Of International ICJ..w 119 (2005);

more specific. While theoretical accountability exists under international humanitarian law, it is far from effective. If the ICJ's mandatory jurisdiction is acknowledged, a victim State may submit a complaint against a perpetrator State. In reality, the issue of jurisdiction is a big roadblock. Even when such a case is conceivable, states seldom bring claims of violations of international humanitarian law to the International Court of Justice.[10]

For a worthwhile purpose, the concept of humanitarian intervention has grown in popularity in recent years. First, there has been a discernible growth in the involvement of various types of humanitarian relief in a wide range of natural and man-made calamities. The medium of television has increased our awareness of the misery of victims of such calamities, making it both stronger and more agonizing. Exceptional humanitarian help has been supplied by the International Committee of the Red Cross, Doctors without Borders, and a number of other organizations. Second, the expansion of the concept of human rights has unavoidably resulted in the articulation of a right to humanitarian relief for individuals in desperate situations, as well as a right for an international organization to give it. While retaining national sovereignty, certain parts of this strategy may be seen in the 1949 Geneva Conventions, as well as a number of disaster relief resolutions issued in the 1980s.[11]

Third, human rights concepts have been used to legitimize full-fledged invasions in the past. During the US-led invasion of Panama in December 1989, it was stated that "a few Americans argued for international intervention on humanitarian grounds, because sovereignty was deeply vested in the general populace: if the popular will was suppressed within a state, external military action to end the suppression could be justified in some circumstances".[12]

Most crucially, all of this is occurring against a backdrop of destroyed governmental institutions in many parts of the world, allowing for more instability and bloodshed. Conflict, whether racial or communal, erupts all too often in the successor republics of rapidly dissolving empires, especially where mutually conflicting claims to the right to self-determination exist, as in the former Soviet Union and former Yugoslavia. There are no formal governmental institutions, boundaries, or armed forces, therefore the process is chaotic. Even republics that arose decades ago from earlier imperial retreats, such as those in Africa, have encountered or re-encountered the same challenges. To summarize, as the twentieth century came to a close, the four horsemen of the apocalypse—war, disease, starvation, and death—were having a

[10] Trial of Pakistani Prisoners of War (Pak. v. India), 1973 ICJ. 328 (Dec. 15)
[11] General Assembly Resolutions 43/131 of 8 Dec. 1988, "Adopted after the earthquake in Armenia; and 46/I 82 of 19 Dec. 199I".
[12] W. Michael Reisman, 'Sovereignty and human rights in contemporary international law', American Journal of International Law, vol. 84, 1990, pp. 866-76

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wonderful time. Situations requiring humanitarian intervention increased in number at the same time as the UN's capabilities for sanctioning missions have expanded.

The Russian "invasion" of Ukraine on February 24, 2022, which saw Russian forces penetrate Human rights violations have increased as a result of Ukrainian border closures and explosions in places such as Kyiv, the country's capital. The recent Russian invasion of Ukraine is not only a clear violation of international law; the ongoing armed conflict in the cities, as well as Russian forces' commission of war crimes and gross human rights violations during Crimea's annexation, leave no doubt that international humanitarian law and human rights are at stake in Ukraine.

VII. HUMANITARIAN INTERVENTION BY STATES & INTERNATIONAL ORGANIZATIONS

The term 'humanitarian intervention' came into common use during the 1990s to describe the use of military force by states or international organizations in response to genocides, "ethnic cleansing," and other horrors suffered by peoples at the hands of their own governments. As a result of its influence on socio-economic processes, humanitarian intervention is frequently viewed as a factor in enhancing the level of political presence in one state by another. Furthermore, the existence of the state, its administration, or its army is not essential. In most circumstances, international organizations are used. The study's significance is dictated by the fact that humanitarian assistance is now seen as a soft power tool, in conjunction with the usage of the international community in the context of cross-cutting information. The recovery phase following emergency events was considered to be the most effective method for increasing the political rating of another state.

The need to consider and understand the many issues involved in humanitarian interventions have been borne home by the fact that these interventions have become more complex and more common since the 1980s, and because of the consequences of non-intervention, such as in the Rwandan genocide of 1994, in which nearly one million people were killed in less than three months. Humanitarian interventions raise complex, inter-related issues of international law, international relations, political philosophy, and ethics.

Humanitarian interventions are distinct from other types of interfering in another country's actions, such as humanitarian aid, different types of sanctions, changing diplomatic relationships, monitoring weapons treaties or elections, and peacekeeping. Humanitarian intervention is a type of coercion because it does not require the target state's approval. The government is held responsible for the suffering of others, which must be avoided or ended.

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Those in need and the objective of the rescue attempt are not citizens of the intervening states: humanitarian interventions are about "rescuing strangers," as Nicholas Wheeler puts it.

Whether the intervention is unilateral or multilateral, and whether it is sanctioned (for example, by the United Nations) or not, definitions under the International Law are frequently ambiguous. Finally, the interveners' purpose is to save, defend, or protect persons who are being victimized by their own government's actions or failures. Conquests, territorial dominance, backing for insurgent or separatist organizations, regime change, or constitutional reform are not the goals. The motives for a state's use of military force influence humanitarian involvement. Some more stringent definitions of humanitarian intervention entail a purity or primacy of purpose in the use of military force: militarily addressing the suffering of others for national security concerns is, by definition, not a humanitarian intervention.

VIII. EXERCISE OF AUTHORITY FOR HUMAN RIGHTS OBLIGATIONS

Even if it appears to be difficult to impose direct legal human rights obligations on the armed organization in general, there appears to be considerable agreement that armed groups can be held accountable when they fulfil governmental functions and exercise de facto control over a population. This is usually the situation when an armed organization has authority over a specific area of the country. Indeed, the necessity to control the interaction between those who rule and those who are governed, which is central to human rights legislation, would be replicated, justifying the application of that body of law. Establishing human rights duties on authority governing over a population has the benefit of illustrating the link between human rights and humanitarian law in armed conflict circumstances, particularly in light of the Common Article 3's 'fair trial' standards.[13]

Aside from the issue of governmental responsibility, there are also issues with the idea of applying human rights laws to an organization that have de facto influence over a population. To begin with, there is no clear legal basis for determining the level of 'power' or influence over a people required to carry out human rights obligations. More thought should be given to defining when the required authority level is met, who determines what that threshold is, and what rights may apply at that time. An analogous interpretation of the Human Rights Committee's 'control' criteria in relation to the scope of "Extraterritorial duties of governments parties to the International Covenant on Civil and Political Rights could constitute a step forward".[14]

[13] International Review of the Red Cross, Vol. 90, No. 871, 2008, pp. 602–603

[14] The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, adopted on 29 March

IX. LEADING CASE LAWS ON THE MILITARY INVASION OF A FOREIGN STATE

Nicaragua v. the United States[15]

In Nicaragua v. the United States of America, the International Court of Justice (ICJ) decided that the US had violated international law by supporting the Contras in their war against the Sandinistas and mining Nicaragua's harbours. The case was decided in Nicaragua's favour and against the United States, with Nicaragua receiving compensation. The Court was asked to vote on 15 final decisions. In its decision, the Court ruled that the United States was "in breach of its obligations under customary international law not to use force against another State", "not to intervene in its affairs", "not to violate its sovereignty", "not to interrupt peaceful maritime commerce", and "in breach of its obligations under Article XIX of the Treaty of Friendship, Commerce and Navigation between the Parties signed at Managua on 21 January 1956." The Court determined in paragraph 9 of its judgement that while the US-supported human rights breaches by the Contras through the Psychological Operations in Guerrilla Warfare manual, such activity did not render the US accountable. The US refused to take part in the proceedings, claiming that the International Court of Justice (ICJ) lacked jurisdiction over the case. The United States also stopped the judgement from being carried out by the United Nations Security Council, depriving Nicaragua of any compensation.

The Islamic Republic of Iran v. the United States of America[16]

The International Court of Justice determined the case the Islamic Republic of Iran v. the United States of America in 2003, in which Iran contested the US Navy's destruction of three oil platforms in the Persian Gulf in 1987-1988. Three offshore oil facilities operated by the National Iranian Oil Company were destroyed in international waters in Bahrain in 1987-1988 when a US Navy cruiser, the USS Samuel B. Roberts, collided with a mine. By a vote of fourteen to two on December 12, 1996, the Court dismissed the United States' preliminary objection to the Court's jurisdiction, declaring that it may exercise jurisdiction under the Treaty of Amity. The ICJ rejected both states' claims on November 6, 2003, 11 years after Iran's initial application, stating that the US actions against Iranian oil platforms, the attack could not be justified under the essential security exception, but it did not breach the freedom of commerce provision since the oil platforms were under repair and non-operational at the time, and so the strike had no impact on free trade between the US and Iran. As a result, Iran's allegation against

2004, CCPR/C/21/Rev.1/Add. 13, para. 10

[15] 1984 ICJ REP. 392 June 27, 1986.

[16] [2003] ICJ Rep 161 (6 November 2003)

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the United States was unfounded.

Bosnia and Herzegovina v. Serbia and Montenegro[17]

On March 20, 1993, the Republic of Bosnia and Herzegovina filed a lawsuit in the International Court of Justice against the Federal Republic of Yugoslavia (Serbia and Montenegro), alleging violations of the Convention on the Prevention and Punishment of the Crime of Genocide. During the violent events that erupted in Bosnia and Herzegovina from 1992 to 1995, 8000 Bosnian Muslim males of fighting age were slaughtered by Serbian troops in a little town named Srebrenica in July 1995. The Court concluded that the conduct of any state organ is to be deemed an act of the state, resulting in the state's culpability if the conduct violates one of the state's international obligations. This is a rule of customary international law established in Article 4 of the Articles of State Responsibility of the International Law Commission. There was no evidence presented to show that the Serbs were under the effective control of Serbia and Montenegro during the Srebrenica massacre. This can only mean that those guilty for the atrocities were not Serbian or Montenegrin government organs, and hence cannot be held accountable under international law.

X. OPERATIONS IN UNITED NATIONS WITH RESPECT TO THE MILITARY INVASION OF A FOREIGN STATE

Since 1990, there has been a considerable increase in the number and type of UN military operations. This event has emphasized the fact that the applicability of the laws of war to the activities of UN forces is a source of substantial uncertainty. When a UN force or an UN-authorized force is dispatched to fight a war, this is not a problem because it is understood that the laws of war will apply in full to hostilities between such a force and the troops of a State. It should also not be a problem if a UN force operated in a classic peacekeeping capacity, because such a force would remain impartial and would not become a party to any armed conflict. Furthermore, forces with a sole mission of peacekeeping have been drawn into combat in a number of instances (usually by attacks upon their personnel which have caused them to exercise their right of self-defence). In such instances, it's unclear whether the laws of war apply to the operations of the United Nations soldiers involved.

[17] ICJ GL No 91, ICGJ 70 (ICJ 2007)

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XI. ROLE OF THE SECURITY COUNCIL IN THE MILITARY INVASION OF A FOREIGN STATE

Member states firmly recognized in the 2005 World Summit Outcome that "[t]he international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, [they] are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity".[18] In reality, the Security Council has a long history of passing resolutions in response to specific country situations in which world peace and security are threatened and armed conflict has erupted or is likely to erupt. It has consistently insisted that parties to armed conflicts follow international humanitarian law and human rights obligations. It had already been said in 1967 that "fundamental and inherent human rights should be preserved even amid the vagaries of war."[19]

The Security Council has often criticized and demanded accountability for human rights violations in armed situations. The Security Council's capacity to approve the use of force by states has been a particularly important rationale for the use of force in recent years. In contrast to cases where states intervened militarily in the territory of other states to protect their own citizens, humanitarian intervention entails intervention to protect the target state's nationals from their own government or, in some cases, from events occurring in the target state that the target state's government is unwilling or unable to control. Even within the bounds of the right to self-defence, the use of force for this purpose cannot be tolerated. If humanitarian intervention is to be regarded permissible, there must be a legal basis for using force that is distinct from the right of self-defence. It appears to be widely acknowledged that the Security Council has the authority to sanction humanitarian action. The United Nations attempted to mount operations that had some of the characteristics of both peacekeeping and enforcement action after the Security Council was revitalized in the 1990s. The law has not been changed

[18] Bellamy, Alex J (2006). "Whither the Responsibility to Protect: Humanitarian Intervention and the 2005 World Summit". *Ethics and International Affairs*. **20** (2): 143–177.
[19] Resolution 237 (1967)

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in any way. However, there are hints of a shift in how the law is perceived and administered in practice.

XII. Responsibility for violations as a result of military invasion of a foreign state

State responsibility for violations

International law has long held that states are responsible for violations of international human rights and humanitarian law. The principle of "pacta sunt servanda" states that any treaty in force is binding on the parties to it, and they must perform it in good faith. In this context, it's worth remembering that in the event of armed conflict, a State is accountable for violations of international human rights and humanitarian law if the violations are traceable to it.

When a state is determined to be accountable for violations of international human rights and humanitarian law, both international and regional jurisprudence has established that it must take steps to repair the harm it has caused and prevent future violations. Such measures include compensation for victims and their families, assurances of non-repetition, and the adoption of legislative frameworks to prevent future abuses. While the State's obligation to compensate victims of violations of international humanitarian law is undeniable, some domestic courts have rejected the individual victim's right to seek such reparation under international humanitarian law. The International Court of Justice ruled in Bosnia and Herzegovina v. Serbia and Montenegro that Serbia had breached its duty to prevent and prosecute genocide. Serbia had to comply with the Court's decision by ensuring that it "takes effective steps to ensure full compliance with its obligation under the Convention on the Prevention and Punishment of the Crime of Genocide […] and to transfer individuals accused of genocide or any of those other acts for trial by the International Criminal Tribunal for the former Yugoslavia, and to cooperate fully with that Tribunal."[20]

Individual responsibility for violations

Many violations of international human rights and humanitarian law may be considered unlawful under local law. If certain conditions are satisfied, certain of these infractions can be defined as crimes under international law, with further legal ramifications for states and individuals. International crimes, unlike "simple" violations of international human rights and humanitarian law, can be tried both domestically and internationally. An international criminal

[20] Application of the "Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)", Judgment, I.C.J. Reports 2007, p. 43.

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tribunal may, for example, try genocide, crimes against humanity, and war crimes. Individual responsibility for international crimes is codified most recently in the Rome Statute. Article 25.3 indicates that "in accordance with this Statute, a person shall be criminally responsible and liable for punishment for a crime within the jurisdiction of the Court" and then it goes on to detail a series of criminal acts, such as committing, ordering, or initiating the crime.

Analysing Russia's invasion of Ukraine from an international law perspective

Russia launched a full-scale invasion of Ukraine in the early morning of February 24, 2022., with explosions reported across the country in major cities, the result of attacks from land, sea, and air. This aggressive action by Russian President Vladimir Putin, who claimed it to be a "necessary measure" and "special military operation", marks the first major land war in Europe in decades and has far-reaching implications across the globe. Hostilities between Russian and Ukrainian armed forces are an international armed conflict governed by international humanitarian treaty law (primarily the four Geneva Conventions of 1949 and their first additional protocol, Protocol I), as well as the rules of customary international humanitarian law (primarily the Hague Conventions of 1907 regulating the means and methods of warfare).

Countries who have condemned Russia's actions are striving not just to protect Ukraine and its people, but also to keep the idea alive that international interactions should be governed by legal principles. According to some, Russia's invasion of Ukraine violates the UN Charter and cannot be justified under international law as an act of self-defence or humanitarian intervention. Russia's invasion of Ukraine violates Article 2(4) of the United Nations Charter, which forbids member states from the "use of force against the territorial integrity or political independence of any state." Russia's act of aggression is a manifest violation of Article 2.4 of the UN Charter, which prohibits the "use of force against the territorial integrity or political independence of any State". President Vladimir Putin attempted to defend Russia's actions in his statement announcing the invasion of Ukraine.

The claim made by Russian President Vladimir Putin and other Russian authorities that Russia's use of force is permissible under UN Charter Article 51 are unfounded in truth and law. According to Article 51, "nothing in the present charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a member of the United Nations." On the other hand, Ukraine has not launched nor threatened an armed assault on Russia or any other UN member state. Even if Russia could show that Ukraine committed or intended to conduct assaults on Russians in the Ukrainian regions of Donetsk and Luhansk, collective self-defence would be prohibited under Article 51

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since Donetsk and Luhansk are not UN member states. They do not even qualify as nations under international law, despite their purported independence from Ukraine and Russia's acceptance of their sovereignty.

Russia's declaration of autonomous republics in Donetsk and Luhansk last week was also a violation of international law regulating state sovereignty and secession. In general, international law compels governments to maintain their territorial integrity and prohibits the declaration of independence or secession of states' territory.

Ukraine v. Russia

Following such a series of events, Ukraine launched a case against Russia at the United Nations' highest court, the International Court of Justice on 27th February 2022, accusing Moscow of planning genocide and asking for the court to intervene to halt the invasion and ordering Russia to pay reparations. The case filed also asks the International Court of Justice, based in The Hague, to indicate "provisional measures" ordering Moscow to "immediately suspend the military operations" that was launched on February 24. Ukraine "emphatically denies that genocide happened in the eastern regions" and says it filed the case "to establish that Russia has no lawful basis to take action in and against Ukraine for the purpose of preventing and punishing any purported genocide," the court said in a statement. Ukraine seeks to found the Court's jurisdiction on Article 36, paragraph 1, of the Statute of the Court and on Article IX of the Genocide Convention, to which both States are parties. The ICJ pursuant to Article 74 of the Rules of Court, stated that the request for the indication of provisional measures shall have priority over all other cases.

The Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the European Convention on Human Rights, and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment are all signed by both parties. These accords protect basic rights such as the right to life and dignity, the right to be free from torture, ill-treatment, and arbitrary imprisonment, and the right to a fair trial even in times of national emergency.

XIII. Conclusion

As emphasized throughout this study, international human rights law and international humanitarian law are emerging bodies of legislation. Warfare is a dynamic phenomenon that requires international human rights and humanitarian law to adapt on a regular basis to prevent protection gaps. The practice of the many entities overseeing conformity with the system leads to changes in the legislation. Jurisprudence by judicial organs and treaty bodies is an important

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source of interpretation and is critical to the system's evolution. However, appropriately implementing the rules and providing protection to vulnerable groups necessitates a detailed understanding of how these many norms interact and how they complete and complement one another in order to provide the best possible protection.

The dispute about their interactions is undoubtedly part of a larger legal debate over international law fragmentation. Recent legal arguments have centred on devising methods to ensure that individuals are given the most protection possible. In certain circumstances, one body of law requires a referral to another, as in common article 3 of the Geneva Conventions, which integrates notions described in more depth in human rights treaties such as the Universal Declaration of Human Rights. When interpreting human rights rules, international humanitarian law must be taken into account.

The work of treaty bodies and special rapporteurs, as well as decisions from regional human rights courts, Security Council and Human Rights Council resolutions, and the work of the International Court of Justice, particularly those dealing with the application of human rights treaties, all have the potential to influence future developments. All of these improvements must be considered in context as part of the international community's effort to improve the protection of all individuals caught up in armed conflict. The international community must rapidly reinvest in international law norms of territorial integrity and sovereignty, even if it means foregoing humanitarian aims that should be pursued fiercely via other channels on occasion. Interstate peace and territorial integrity should be at the forefront of the UN's efforts. In addition, the international community should develop novel ways to ensure peace among the world's most powerful nations. As the present events in Ukraine indicate, preventing interstate conflict is a massive burden for international law and international organizations.

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