



WAR CRIMES AND RUSSIA'S ACCOUNTABILITY FOR MILITARY ACTIONS IN UKRAINE: CHALLENGES FOR INTERNATIONAL JUSTICE AND MEDICAL CONSEQUENCES FOR INJURED VICTIMS

Zbrodnie wojenne i odpowiedzialność Rosji w kontekście działań militarnych na Ukrainie: wyzwania dla międzynarodowego wymiaru sprawiedliwości oraz skutki medyczne dla ofiar urazów



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Abstract

The armed conflict in Ukraine, ongoing since 2014 and escalating in 2022, represents one of the most serious challenges to the international order since the end of the Cold War. Its protracted nature and intensity have led to severe geopolitical, economic, humanitarian, and health-related consequences. This paper analyses Russia's accountability for war crimes in the context of international humanitarian law, highlighting the challenges related to enforcing accountability before international tribunals. It also presents the differing approaches of European Union member states to the conflict, stemming from varying perceptions of their relations with Russia, the United States, and China, as well as the war's impact on European security and transatlantic cooperation. From a socio-economic perspective, the conflict has resulted in regional recession, an energy crisis, disruption of supply chains, and mass refugee migration, particularly to Poland. Special attention is also given to the long-term health consequences for victims of military operations, including physical injuries and the burden placed on healthcare systems. The article constitutes an attempt at a multifaceted assessment of the conflict and its implications for the future of the international order.

Streszczenie

Konflikt zbrojny na Ukrainie, trwający od 2014 roku i eskalujący w 2022 roku, stanowi jedno z najpoważniejszych wyzwań dla międzynarodowego ładu po zakończeniu zimnej wojny. Jego długotrwałość i intensywność prowadzą do poważnych konsekwencji o charakterze geopolitycznym, gospodarczym, humanitarnym i zdrowotnym. Niniejszy artykuł analizuje odpowiedzialność Rosji za zbrodnie wojenne w kontekście międzynarodowego prawa humanitarne-go, wskazując na wyzwania związane z egzekwowaniem odpowiedzialności przed trybunałami międzynarodowymi. Przedstawiono również różnice w podejściu państw Unii Europejskiej do konfliktu, wynikające z odmiennego postrzegania relacji z Rosją, Stanami Zjednoczonymi i Chinami, a także skutki wojny dla europejskiego bezpieczeństwa i współpracy transatlantyckiej. W ujęciu społeczno-gospodarczym konflikt doprowadził do recesji w regionie, kryzysu energetycznego, załamania łańcuchów dostaw oraz masowej migracji uchodźców, zwłaszcza do Polski. Szczególną uwagę poświęcono również długofalowym skutkom zdrowotnym dla ofiar działań zbrojnych, w tym urazów i obciążeń systemów opieki medycznej. Artykuł stanowi próbę wieloaspektowej oceny konfliktu i jego implikacji dla przyszłości ładu międzynarodowego.

Keywords: protection of civilians; war in Ukraine; international law; war injuries

Słowa kluczowe: ochrona ludności; wojna w Ukrainie; prawo międzynarodowe; urazy wojenne

DOI 10.53301/lw/208113

Received: 30.06.2025

Accepted: 10.07.2025

Published: 30.06.2026

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Introduction

The nature of the war in Ukraine, differing in many respects from previous armed conflicts, poses a significant challenge to the current *jus in bello*. It is also subject to assessment in the context of possible future conflicts, both conventional and unconventional (hybrid, cyber, and economic). International conventions and protocols governing the conduct of warfare are frequently ignored by the conflicting parties. The use of force disproportionate to the threat, resulting in widespread human suffering, including mass displacement of populations and the destruction of residential properties and civilian infrastructure, is one of the most prevalent violations. The conflict in Ukraine, as an example of violations of the laws of war, raises fundamental questions for the international community concerning the effectiveness and enforceability of these laws in contemporary conflicts, where competition extends beyond direct armed confrontation and encompasses the media and information space, including information operations (INFOOPS) and psychological operations (PSYOPS).

Conflict duration and its consequences

The war in Ukraine has far-reaching geopolitical, economic, and humanitarian consequences. The armed conflict has highlighted divergences in how Eastern and Western member states of the European Union (EU) perceive the strategic situation. These divergences pertain to the relations of the EU and its individual member states with the United States, the Russian Federation, and the People's Republic of China, and, more broadly, to the EU's strategic positioning within the international order at a supra-regional level [1].

At the outset of the 21st century, two principal geopolitical visions emerged within the European Union. France and Germany sought to establish a geostrategic centre independent of the United States, while simultaneously pursuing economic rapprochement with the Russian Federation. The second concept was represented primarily by the United Kingdom, certain Central European states, and the Baltic states. Its foundations rested upon strong transatlantic relations and US military presence in Europe, perceived as a key element guaranteeing security against the threat posed by the Russian Federation [1].

The policies of individual EU member states towards Ukraine, with respect to both aid and relations, varied

considerably. Central European countries regarded the defence of Ukrainian independence as a crucial element in safeguarding their own sovereignty. Western European countries, by contrast, were predominantly concerned with the potential adverse consequences of a prolonged conflict, both for their national economies and for the growing geopolitical influence of the United States and its allies within EU structures [1]. This translated into a desire to end the hostilities in Ukraine as quickly as possible and to ease or lift sanctions against the Russian Federation.

The conflict in Ukraine highlighted the need to strengthen the defence capabilities of EU member states, but in close cooperation with the North Atlantic Treaty Organization (NATO) and the United States.

Beyond its political and military dimensions, the war in Ukraine has given rise to profound humanitarian and economic consequences. It has dramatically worsened living conditions and the economic situation in Ukraine and Russia, with its effects indirectly impacting Central Europe and other world regions. The war should further be seen as a contributing factor to inflation and the slowdown of economic growth, particularly in countries bordering Ukraine and Russia. Within Russia itself, the imposed financial sanctions have significantly compromised the stability of the banking sector and the state's capacity to meet its fiscal obligations. The massive influx of refugees represents a further significant factor affecting the economies of the region. According to data from the United Nations High Commissioner for Refugees (UNHCR), several million individuals have fled Ukraine, the majority of whom sought refuge in Poland [2]. Rapidly escalating inflation and rising prices, particularly in fuel and energy sectors, emerged as a key trigger for Europe's 2022 energy crisis. The armed conflict has also caused major disruptions to industrial production and significant impediments to global supply chain operations. The imposition of economic sanctions on Russia and its allied countries since March 2022 is yet another factor intensifying the scale of the aforementioned economic downturn [3].

War crimes in the context of the conflict in Ukraine

Ukrainian authorities and international observers have collected evidence showing that Russia is perpetrating numerous war crimes on Ukrainian territory, including assaults on civilian populations and the intentional de-

struction of civilian infrastructure. Even when considering collateral damage typical of armed conflict, from operational errors or military technology limitations, some of these attacks clearly reflect the aggressor's frustration and represent a deliberate effort to break Ukrainian society's will to resist.

Violations of the core principles of international humanitarian law, such as targeting civilian infrastructure (including telecommunications, water, heating, gas, electricity, and even agricultural infrastructure), medical personnel, and humanitarian aid workers, as well as launching indiscriminate attacks on both military and civilian targets (e.g., residential buildings, hospitals, religious sites, educational and cultural institutions, commercial establishments, and other public utilities), represent a blatant violation of international law and may qualify as war crimes. Russian forces have also been documented perpetrating acts of murder, rape, looting, abduction, including forcible removal of children, torture, and the use of civilians as human shields. Evidence of these acts is being collected by Ukrainian law enforcement agencies and, internationally, by the United Nations (UN), the International Committee of the Red Cross (ICRC), the United Nations High Commissioner for Refugees (UNHCR), Amnesty International, as well as by accredited war correspondents [4]. Ongoing Ukrainian and international investigations continue, with verdicts and arrest warrants being issued. However, enforcing these warrants poses a major challenge [4].

Russia's responsibility for war crimes

Currently, the International Criminal Court (ICC) remains the sole body with universal jurisdiction over international criminal matters, functioning complementarily to national criminal justice systems. This indicates that international criminal law does not aim to replace national justice systems, but can only be effected when a given case falls within the jurisdiction of a state that unwilling or unable to carry out effective criminal proceedings. The ICC's jurisdiction covers four core aspects: substantive, territorial, subjective, and temporal [5].

The ICC's subject-matter jurisdiction covers the heaviest international crimes listed in the Rome Statute of the International Criminal Court dated 17 July 1998 (hereinafter the Statute), namely genocide, crimes against humanity, war crimes, and the crime of aggression (Article 5) [6].

Following the principle of territorial jurisdiction, the ICC holds authority over international crimes committed on the territory of States Parties to the Statute (Article 14).

State Party to the Statute or the Security Council acting under Chapter VII of the United Nations Charter (Article 13) is an entity authorized to refer a situation indicating one or more international crimes to the ICC Prosecutor [6].

The ICC has jurisdiction over crimes committed by nationals of states that are parties to the Statute. The principle that no individual shall be exempt from criminal liability under the Statute, a concept known as the principle of ir-

relevance of official capacity, is of fundamental importance. The position held by the accused, or any immunity they may enjoy, is irrelevant to the proceedings (Articles 25 and 26) [6].

Temporal jurisdiction means the ICC has jurisdiction solely over crimes committed after the Statute's entry into force, specifically after 1 July 2002. Nevertheless, if a state accedes to the Statute after its entry into force, the Court's jurisdiction will generally be limited to crimes committed after the Statute's entry into force for that state (Article 11) [6].

When considering the jurisdiction of the ICC with regard to crimes committed during the Russo-Ukrainian war, the starting point is to note that the Russian Federation is not a State Party to the Rome Statute, whereas Ukraine, after having previously accepted the jurisdiction of the ICC by declaration, became a State Party to the Rome Statute on 1 January 2025. This does not mean, however, that the earlier criminal jurisdiction of the ICC over crimes committed on the territory of Ukraine was entirely excluded. The Statute provides for the possibility for a state that is not a party to the Statute to accept the jurisdiction of the Court by means of a declaration lodged with the Registrar, thereby recognizing the jurisdiction of the ICC with respect to a given crime (Article 12) [6].

Ukraine's first declaration referred to crimes committed during the Maidan protests, which occurred between 21 November 2013 and 22 February 2014 [7]. The second declaration, submitted in September 2015, addressed all crimes committed since 15 February 2015. Through this declaration, Ukraine provided its forward-looking consent to the investigation, prosecution, and judgment of all crimes committed on Ukrainian territory [8]. Following the declarations, the ICC conducted a preliminary examination of its jurisdiction and the factual occurrence of the crimes identified by Ukraine. After completing this examination, the statutory criteria for launching a formal investigation on the Ukraine situation were found to be met [9].

Following the outbreak of war in February 2022, the ICC issued a statement confirming a reasonable basis to launch an investigation, including suspicions that alleged war crimes and crimes against humanity had been committed in Ukraine. At the same time, given the expansion of the conflict, the investigation was set to encompass all crimes committed by any party to the conflict across Ukraine's entire territory [10]. Granting the Court's jurisdiction over a specific state means that, irrespective of nationality, any person who committed an ICC jurisdictional crime on that state's territory may be held criminally accountable under the Statute [11].

Challenges for international justice

Under customary international law, the highest-ranking representatives of a state enjoy absolute immunity from jurisdiction of other states' domestic courts, even when accused of international crimes. Nevertheless, Article 27 of the Rome Statute explicitly states that immunities and other privileges stemming from official functions, regardless of their domestic or in-

ternational origin, do not prevent the International Criminal Court from exercising jurisdiction over such an individual. Obligations to prevent, investigate, and punish crimes under ICC jurisdiction apply *erga omnes*. Accordingly, the Court may require any State Party to the Statute to execute an arrest warrant, including one issued against a sitting Head of State who is not a Party to the Statute. This provision guarantees that individuals responsible for the most serious international crimes cannot escape accountability merely due to their position [11].

On 17 March 2023, the ICC issued arrest warrants against Russian President Vladimir Putin and the Commissioner for Children's Rights, Maria Lvova-Belova. The charges concern the alleged unlawful deportation of Ukrainian children from occupied territories to the Russian Federation. These acts are alleged to have taken place on Ukrainian territory under Russian occupation, starting no later than the date the invasion began (24 February 2022) [12]. States Parties are obligated to detain Vladimir Putin and Maria Lvova-Belova if they enter their jurisdiction and subsequently surrender them to ICC. However, it should be noted that States Parties to the Statute may exploit legal uncertainties about detaining Vladimir Putin to avoid fulfilling their international obligations.

Beyond the legal implications of the ICC arrest warrants against Vladimir Putin and Maria Lvova-Belova, it is worth noting their considerable political dimension. These warrants help internationally isolate the Russian president, carrying major implications for potential diplomatic efforts concerning the Ukraine situation and other Russian Federation actions [13].

Medical consequences of war injuries for victims and health protection in the context of violations of international humanitarian law

The war in Ukraine has caused widespread destruction of civilian infrastructure, including medical facilities, representing a blatant violation of international humanitarian law, particularly the Geneva Conventions. According to current international humanitarian law, attacks on hospitals, ambulances, and medical personnel are explicitly prohibited [14]. Despite this, numerous reports from international organizations, including the World Health Organization (WHO), UNHCR, and Amnesty International, document cases of deliberate attacks on healthcare infrastructure in Ukraine. The missile struck on Kyiv's Okhmatdyt Children's Hospital, along with recorded cases of blocking access to injured civilians, is a particularly dramatic case [4, 15, 16].

These actions have two primary consequences. They involve direct physical injuries such as craniocerebral trauma, limb amputations, burns, and internal organ damage [17]. They have also triggered an escalating public health crisis. With the severely overburdened healthcare system, critically limited access to medications and medical equipment, and substantially reduced capacity to evacuate patients from combat zones, thousands of injured individuals, both civilians and combatants, remain without adequate medical care.

Deliberate attacks on medical facilities and the obstruction of humanitarian aid represent a clear violation of international law, including the core provisions of the Geneva Conventions, which protect civilians, medical personnel, and civilian infrastructure during armed conflict. Victims of these actions suffer not only physical injuries, but also severe psychological trauma stemming from war's brutality and the blatant disregard of core international humanitarian law principles.

There has been a marked rise in mental health disorders, especially post-traumatic stress disorder (PTSD), depression, and acute anxiety. Children, the elderly, and individuals with prior war experiences are particularly vulnerable [18–20].

The rising number of refugees and internally displaced persons (IDPs), putting significant strain on Ukraine's neighbouring countries, especially Poland, which hosts the largest number of refugees and thus bears primary responsibility for providing medical care to those affected, is yet another consequence of this conflict [19, 21, 22].

In this context, it is essential not only to enhance health protection mechanisms in conflict zones, but also to consistently enforce accountability for attacks on medical personnel and facilities as war crimes. Throughout the ongoing conflict, serious violations of international law, particularly those concerning the protection of healthcare workers, have been occurring with increasing frequency. Physicians, nurses, and paramedics, all granted full protection under the Fourth Geneva Convention and its Additional Protocols, are increasingly becoming targets of direct armed attacks [14, 23]. Cases of medical personnel being detained, intimidated, and subjected to physical violence while performing their professional duties have been documented. Particularly concerning are the documented attacks on ambulances and medical convoys displaying the Red Cross emblem – a symbol explicitly protected under international law. One example is the tragic incident on September 12, 2024, in Viroliubivka (Donetsk Oblast), when an International Committee of the Red Cross convoy was attacked by Russian artillery fire and Lancet drones. Three humanitarian workers were killed and two others were seriously injured. On April 10, 2025, a drone strike was reported in Donbas on an evacuation convoy whose vehicles were clearly marked with the Red Cross symbol; the attack damaged an ambulance and injured two medical workers [24, 25].

Such actions, targeting medical personnel, blatantly violate international humanitarian law norms and may constitute war crimes. While the international community has repeatedly condemned such acts of violence, their persistence and scale raise serious concerns and necessitate a decisive, coordinated response.

Violation of the laws of war with weapons of mass destruction: humanitarian consequences and implications for healthcare systems

Modern armed conflicts, such as the war in Ukraine, are increasingly characterized not only by the use of conventional weapons, but also by the escalation of threats as-

sociated with weapons of mass destruction (WMD): chemical, biological, radiological, and nuclear (CBRN) [26]. The use of such weapons represents a blatant violation of the core international humanitarian law norms, including the Geneva Conventions and the Chemical Weapons Convention (CWC) [14, 27]. Reports of the potential use or preparations for such weapons by the Russian Federation, including possible attacks on nuclear power plant infrastructure, as in the case of the Zaporizhzhia facility [28], nuclear weapon threats [26], and possible radiological attacks in combat zones [26, 29] raise serious concerns within the international community and may be classified as war crimes or state terrorism. CBRN weapons used in civilian environments not only result in immediate deaths among many victims, but also carry long-term health, environmental, and social consequences. This results in extreme strain on local healthcare systems, the shutdown of hospital operations, the inability to deliver proper care to victims, and, over time, the exhaustion of human and infrastructural resources of healthcare services [26]. The use of such agents in populated areas not only directly violates the ban on inhumane treatment, but also undermines the principle of distinction between military and civilian targets – a cornerstone of the law of armed conflict [30]. Given this risk, healthcare systems must urgently prepare for swift, coordinated responses to potential CBRN incidents. Critical priorities include readiness to identify and manage radiation sickness, chemical poisoning, and biological infections affecting both combatants and civilians.

One of the most serious aspects of radiological weapons threat is their capacity to trigger mass panic alongside long-term somatic and psychological health effects [26]. Therefore, properly trained medical personnel play a key role not only in delivering first aid, but also in mitigating psychological effects, including combat stress and PTSD [26]. In response to these challenges, the Military Institute of Medicine – National Research Institute has launched a collaborative project with Ukrainian medical services to exchange expertise, improve medical procedures, and conduct joint training. The current programme focuses on the rehabilitation of wounded individuals, as well as diagnosing and treating patients with war-related trauma [26]. Such initiatives are vital for ensuring comprehensive care, encompassing both surgical and psychological support, for individuals injured during armed conflicts. The concurrently developing medical component within the Armed Forces aims to ensure a mobile, swift, and professional medical response under battlefield conditions, including in the event of CBRN weapon deployment. These initiatives not only strengthen the defence capabilities of states supporting Ukraine, but also contribute to protecting the lives and health of civilians and combatants affected by the armed conflict.

Conclusions

The armed conflict in Ukraine, ongoing since 2014 and markedly escalating after Russia's full-scale invasion in 2022, exemplifies the challenges facing modern international law, particularly international humanitarian law and the Geneva Conventions. The choice of Ukraine as

the subject of analysis is justified by the scale and nature of violations by Russian forces, including attacks on civilian infrastructure and violence against civilian populations.

This conflict highlights deep geopolitical divisions within the EU, with Central and Eastern European countries strongly supporting Ukraine, and Western European countries taking a more cautious approach due to economic and energy concerns. The conflict has further emphasized the need to reinforce the EU's defence capabilities through close cooperation with NATO and the United States.

The consequences of the conflict are multifaceted, encompassing political, military, humanitarian, and economic aspects. These include a refugee crisis, rising inflation, disruptions to global supply chains and industrial production, and an intensifying energy crisis in Europe. The sanctions against Russia have further deepened economic instability throughout the region.

Legally, particular focus falls on war crimes by Russian forces, including murder, rape, looting, attacks on civilians and their use as human shields. Many international organizations are documenting evidence of these acts. Delivering comprehensive medical care, including adequate supplies and psychological support, to victims of armed conflict is critically important. Brutal hostilities, often involving breaches of international conventions, require not only immediate surgical intervention but also sustained care for trauma victims. Effective psychological support plays a crucial role in reducing the long-term effects of armed conflict and aiding recovery for both combatants and civilians. The Military Institute of Medicine – National Research Institute partners with Ukrainian medical services, conducting joint training and victim rehabilitation, thereby enhancing medical response capabilities both at the front lines and within civilian healthcare systems.

The International Criminal Court, operating under the Rome Statute, is responsible for the prosecution of the most serious international crimes. The ICC has jurisdiction over, among other things, war crimes and crimes against humanity committed after July 1, 2002. The Court may hold individual perpetrators accountable regardless of their official position, and may exercise jurisdiction over nationals of States Parties or via UN Security Council referral.

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