Kurtakova Hanna, Candidate of Legal Sciences (PhD in Law), Associate Professor at the Department of Constitutional Law, National Academy of Internal Affairs, Kyiv, Ukraine, ORCID: https://orcid.org/0000-0002-9475-6911

INTEGRATION OF INTERNATIONAL HUMANITARIAN LAW INTO THE PRACTICE OF LAW ENFORCEMENT AGENCIES

Abstract

The full-scale armed aggression against Ukraine has significantly increased the relevance of integrating international humanitarian law (IHL) into the national legal and institutional framework, particularly within the activities of law enforcement agencies. These agencies—such as the National Police, the Security Service of Ukraine, the State Bureau of Investigation, and the Prosecutor's Office—play a vital role in documenting, investigating, and prosecuting war crimes, as well as ensuring cooperation with international justice institutions. Despite Ukraine's ratification of core IHL treaties and active engagement with international partners, the practical implementation of IHL norms remains fragmented and inconsistent.

This article examines the legal, procedural, and institutional aspects of integrating IHL into the practice of Ukrainian law enforcement bodies. It identifies key challenges, including legal gaps, insufficient training, lack of technical resources, and weak interagency coordination. The article also analyzes the current mechanisms of IHL enforcement, such as the work of mobile investigative teams, cooperation with the International Criminal Court, and participation in joint investigative groups. Based on this analysis, the study offers practical recommendations for strengthening national capacities through legislative reform, interagency coordination, digitalization, and international cooperation.

The article concludes that Ukraine, given its unique experience and current challenges, has the potential to become a leading example of effective national-level implementation of international humanitarian law in the context of modern armed conflict.

Keywords. International humanitarian law, law enforcement, Ukraine, war crimes, investigation, accountability, national legislation, ICC, interagency cooperation, legal reform.

In the current context of large-scale armed aggression against Ukraine, compliance with the norms of international humanitarian law (IHL) has acquired particular importance. As a branch of public international law, IHL is aimed at protecting the civilian population, limiting the means and methods of warfare, and regulating the conduct of parties during armed conflicts. Ukraine, as a state that has ratified the core international instruments in the field of IHL, has undertaken obligations not only to formally recognize these norms but also to ensure their effective implementation within the national legal system and, in particular, within the practice of law enforcement agencies.

Problem Statement. In the context of the ongoing armed aggression against Ukraine, the issue of enforcing international humanitarian law (IHL) has become particularly pressing. Law enforcement agencies of Ukraine, including the National Police, the Security Service, the State Bureau of Investigation, and the Prosecutor’s Office, are on the front line in ensuring the documentation and investigation of war crimes, as well as protecting human rights in conflict conditions. While Ukraine has formally ratified key IHL instruments, the real challenge lies in their practical application within national institutions — particularly in law enforcement.

Despite some progress, the integration of IHL norms into the daily operations of law enforcement remains inconsistent and fraught with difficulties.

Challenges range from legislative gaps and insufficient personnel training to poor interagency coordination and limited resources. This creates obstacles not only for the investigation and prosecution of international crimes but also for the broader goal of aligning Ukraine's justice system with international legal standards.

Literature Review. Current academic discourse in Ukraine on IHL largely focuses on general theoretical principles or the application of humanitarian law by the Armed Forces. Studies by Ukrainian scholars such as O. Zadorozhnyi and O. Shevchuk, as well as international authors like J. Henckaerts and Y. Sandoz, provide valuable theoretical foundations. However, there is a lack of focused analysis on how IHL is being operationalized by national law enforcement agencies.

Specifically, there is a research gap regarding the institutional, procedural, and practical mechanisms through which Ukrainian law enforcement bodies integrate IHL norms into their daily work. Few studies explore how the principles of humanity, distinction, proportionality, and military necessity are implemented during investigative processes or criminal proceedings under conditions of war.

Aim of the Article. The aim of this article is to identify and analyze the key challenges in integrating international humanitarian law norms into the activities of Ukrainian law enforcement agencies. It also seeks to:

- assess the current legal and institutional frameworks governing this area;
- explore examples of practical implementation and international cooperation;
- formulate specific recommendations for improving the integration of IHL into the operational, procedural, and strategic dimensions of law enforcement in Ukraine.

Ultimately, the article aims to contribute to bridging the research gap concerning the role of law enforcement in fulfilling Ukraine's international humanitarian obligations.

Presentation of Findings. In classical international law, the primary actor responsible for the implementation of international humanitarian law (IHL) is the state, particularly its armed forces. However, contemporary challenges-such as hybrid conflicts, terrorism, mass human rights violations, and transnational crime-have significantly expanded the range of entities accountable for ensuring compliance with IHL. In this context, law enforcement agencies play a special role as an integral part of the internal system for maintaining public order during armed conflict.

Law enforcement agencies are not considered parties to an armed conflict in the traditional sense. Nevertheless, they carry out a number of functions directly related to the enforcement of IHL norms, including:

- documenting facts related to war crimes;
- initiating and conducting criminal proceedings concerning violations of IHL;
- ensuring the protection of human rights under states of emergency or martial law;
- cooperating with international investigative and human rights institutions.[1]

In Ukraine, according to the Constitution and relevant laws, the law enforcement system includes the National Police, the Security Service of Ukraine (SBU), the State Bureau of Investigation (SBI), the Prosecutor's Office, the National Guard, and the State Border Guard Service, among others. Each of these institutions, depending on their mandates, is directly or indirectly involved in the implementation of IHL provisions, particularly in areas of active hostilities or in recently de-occupied territories.

In practical terms, law enforcement officers are often the first to document the consequences of shelling, acts of violence against civilians, incidents of sexual violence, forced deportations, and the use of prohibited weapons. The evidence they collect becomes the foundation for holding perpetrators accountable before national or international courts.

The Prosecutor's Office plays a particularly important role, as it coordinates the pre-trial investigation of war crimes and serves as a communication channel with international organizations such as the International Criminal Court, the Office of the United Nations High Commissioner for Human Rights, the European Union Advisory Mission (EUAM), and others.

Law enforcement agencies operate under extremely challenging conditions - from limited resources to constant threats to life. Investigative teams often work directly in active combat zones or in recently liberated settlements, where there are risks of landmines, destroyed infrastructure, and no access to medical or psychological assistance.

An additional challenge lies in the need to reconcile two regulatory frameworks: the national criminal procedural legislation and the standards of international humanitarian law, which do not always align. This creates difficulties in the legal qualification of crimes, the determination of jurisdiction, and the collection of evidence in accordance with international requirements.

The implementation of international humanitarian law norms in the activities of law enforcement agencies requires more than declarative recognition of relevant principles. It necessitates the creation of an effective national legal mechanism capable of ensuring their practical application. As a party to key international treaties in the field of IHL, Ukraine is obligated to take domestic legislative, administrative, and organizational measures to fulfill its commitments.

The national legal framework includes several legislative acts that directly or indirectly relate to the implementation of IHL norms:

- the Criminal Code of Ukraine (Articles 438–438-5), which criminalizes war crimes in accordance with the Rome Statute of the International Criminal Court;
- the Criminal Procedure Code, which defines procedures for the pretrial investigation of such crimes;
- the Laws of Ukraine "On the National Police," "On the Prosecutor's Office," and "On the Security Service of Ukraine", which define powers related to responding to violations of the law during armed conflicts;
- regulatory legal acts of executive authorities, which regulate interagency cooperation and specialized procedures for documenting crimes under international humanitarian law.

However, the current system contains a number of gaps - in particular, there is no specialized law on war crimes that would establish a unified procedure for their investigation, the collection of evidence, and the transfer of cases to international courts. Additionally, the lack of full regulatory harmonization with international standards often complicates the legal classification of crimes that violate IHL.

Authorized bodies have already begun implementing a number of mechanisms aimed at the practical integration of IHL, including:

- the creation of specialized units within the structures of the Prosecutor's Office and the National Police for the investigation of war crimes;
- the preparation of methodological guidelines, instructions, and checklists for documenting crimes against humanity and IHL violations;
- the organization of training sessions and professional development programs for law enforcement officers in cooperation with international partners (EUAM, ICMP, UNDP);
- the digitalization of procedures: implementing databases, evidence collection platforms, and collaboration with international investigative databases.

These measures show considerable potential but still require continued institutional stability, adequate funding, and strong political support to be fully effective.[2]

The integration of IHL norms into the activities of national law enforcement agencies is impossible without international cooperation. Ukrainian authorities are actively engaged with:

- the Office of the Prosecutor of the International Criminal Court (evidence sharing, joint investigative actions);
- the OSCE and the European Union Advisory Mission (EUAM) in Ukraine;
- international non-governmental organizations that document human rights violations and assist in the collection of evidence.

Ukraine's participation in multilateral initiatives, such as the International Centre for the Prosecution of the Crime of Aggression (ICPA), provides additional tools to ensure accountability for violations of IHL.

Since the beginning of the full-scale armed aggression by the Russian Federation against Ukraine, law enforcement agencies have found themselves in a position requiring them to urgently adapt their activities to the requirements of international humanitarian law. This includes not only documenting violations but also building a solid evidentiary foundation, ensuring adherence to standards of humanity, and thoroughly recording war crimes for future national or international prosecution.

One of the main areas of activity for law enforcement officers in the context of international humanitarian law (IHL) is the documentation of violations of the laws and customs of war. In the practices of the Security Service of Ukraine (SBU), the National Police, the State Bureau of Investigation (SBI), and the Prosecutor's Office, specific operational algorithms have already been established:

- the formation of mobile investigative teams that travel to shelling sites or newly de-occupied territories;
- the collection of photographic, video, and physical evidence in accordance with international criminal procedure standards;
- the interviewing of victims and witnesses using trauma-informed approaches;
- the opening of criminal proceedings under Article 438 of the Criminal Code of Ukraine ("Violation of the laws and customs of war") - more than 120,000 such cases had been registered by 2024.

These efforts are coordinated by the Office of the Prosecutor General, which also collaborates with international partners to transfer materials to the International Criminal Court (ICC).[3]

Ukrainian law enforcement agencies are gradually adopting new mechanisms of international legal cooperation in the field of humanitarian law. These include:

- participation in Joint Investigation Teams (JITs) with other countries and Eurojust;
- evidence exchange via Interpol, Eurojust, and specialized international platforms;
- cooperation with NGOs (such as Human Rights Watch, Amnesty International, Truth Hounds, etc.) that collect information on crimes against humanity;
- support for digital crime documentation platforms, such as the Ukraine 5AM Coalition, eyeWitness to Atrocities, and eVysna.

These forms of cooperation allow Ukraine not only to enhance the quality of evidentiary material, but also to build international pressure for accountability.

Despite these considerable efforts, significant practical challenges remain, such as:

- a shortage of specialists with expertise in international humanitarian and criminal law;
- a lack of clear procedures, guidelines, and standards adapted to IHL-specific contexts;
- technical limitations, including a lack of secure equipment for collecting digital evidence and a shortage of forensic medical experts;
- psychological burnout among investigators and prosecutors working in difficult humanitarian conditions;
- the absence of a centralized coordination body for IHL integration among law enforcement and security institutions.[4]

Addressing these challenges requires a comprehensive state policy, stable funding, and institutional partnerships with international donors.

Despite the increasing activity of Ukrainian law enforcement agencies in documenting and investigating war crimes, the full integration of international humanitarian law standards remains a complex and demanding task. A number of systemic, regulatory, human resource, and technical barriers significantly affect the overall effectiveness of the process.

One of the key challenges is the insufficient level of professional training among law enforcement personnel in international humanitarian and international criminal law. Most officers lack specialized legal education in these fields, and the practical training programs offered are often too general and fail to address the specific requirements of operational duties.

The lack of qualified professionals leads to errors in crime classification, incomplete evidence collection, and non-compliance with procedural standards, all of which complicate the future referral of cases to international courts.

Although the Criminal Code of Ukraine includes articles addressing violations of the laws and customs of war, the national legislation does not yet fully cover the scope of obligations under international humanitarian law. There is

no comprehensive law on war crimes, and some national provisions are not harmonized with the Rome Statute, resulting in legal uncertainty.

Moreover, there are collisions between the provisions of national law and the principles of international humanitarian law (IHL), for example, regarding the collection of evidence in combat zones, the protection of procedural rights of detainees, or the classification of certain crimes as "crimes of aggression" or "crimes against humanity."

Effective implementation of IHL requires systematic cooperation between the National Police, the State Bureau of Investigation (SBI), the Security Service of Ukraine (SBU), the Prosecutor's Office, military units, local self-government bodies, and international organizations. However, such cooperation often occurs in an unsystematic manner or depends heavily on human factors.[5]

There is a lack of a centralized coordination body, unified protocols, shared databases, and clearly defined responsibilities, which leads to duplication of functions, loss of evidence, or delays in the investigative process.

Law enforcement personnel working in combat zones or in de-occupied areas face constant life-threatening risks, emotional burnout, limited access to protective equipment, and a shortage of technical resources. Investigations are often conducted under difficult humanitarian conditions, without access to medical care or communications.

Furthermore, the absence of modern equipment (for photo and video documentation, remote expertise, or digital evidence storage) significantly reduces the quality of investigations and makes it difficult to substantiate war crimes before international courts.

Political instability, shifting reform priorities, and the challenge of international recognition of war crimes also hinder the realization of IHL. Pressure from individual countries, bureaucratic obstacles in international institutions, or

the slow pace of international justice can demotivate law enforcement officers or hinder cooperation.

The successful integration of international humanitarian law into the practical activities of Ukrainian law enforcement agencies is not only an obligation to the international community but also a critical step toward building an effective, accountable, and rule-of-law-based state. Achieving this goal requires a comprehensive approach, including legal, institutional, personnel, and interagency reforms.

To address the most pressing issues, the following steps are necessary:

1. Development of a Unified Law on War Crimes

It is essential to adopt a special law on war crimes that would:

- systematize IHL provisions in the national legal context;
- define the powers and procedures for all law enforcement bodies;
- establish clear rules for documenting crimes, collecting evidence, protecting victims, and transferring cases to international courts.

Such a law should be harmonized with the Rome Statute, the Geneva Conventions, and the practice of the International Criminal Court.

2. Establishment of a Unified National Coordination Center

This center should:

- ensure interagency coordination (National Police, SBI, SBU, Prosecutor’s Office);
- maintain a centralized national database of war crimes;
- develop and update standards, protocols, and methodological guidelines;
- organize joint trainings with international partners.

3. Development of Human Resources and Specialized Units

It is necessary to:

- create permanent training programs for investigators, prosecutors, and operatives working with IHL-related crimes;
- engage experts in international humanitarian, criminal, and military law for staff training;
- establish specialized regional units to investigate crimes against peace, humanity, and humanitarian law.

4. Deepening International Cooperation

Ukraine should enhance:

- participation in Joint Investigation Teams (JITs);
- cooperation with the International Criminal Court, Eurojust, Interpol, UNDP, EUAM, and others;
- secure digital platforms for exchanging evidence, forensic data, and methodologies;
- involvement of international donors to support technical equipment and expert assistance.

5. Use of Digital Technologies

It is crucial to ensure:

- the digitalization of war crime documentation using geolocation, automatic encryption of evidence, and cloud-based storage;
- the deployment of artificial intelligence systems to analyze large datasets related to war crimes;
- the use of drones, satellite imagery, and high-precision cameras to document crimes in hard-to-access or dangerous areas.

Thus, the prospects for effective integration of IHL into the work of Ukrainian law enforcement agencies are directly tied to institutional resilience, political will, and international support. Given Ukraine’s unprecedented experience with armed aggression, the country has a unique opportunity not only

to strengthen its justice system but also to contribute to the development of global practices in the protection of humanitarian law.[6]

Conclusions. The integration of international humanitarian law (IHL) norms into the activities of Ukrainian law enforcement agencies is an extremely urgent task in the context of armed aggression against the state, and at the same time, one of the key challenges for the national system of security and justice. The analysis has shown that law enforcement bodies play a vital role in the implementation of IHL - through the documentation, investigation, and prosecution of war crimes, as well as through cooperation with international human rights institutions and judicial bodies.

However, the process of implementing international legal standards remains fragmented and limited - both legally and institutionally. Among the main challenges are: the low level of professional training among personnel, the absence of unified legal regulation, lack of resources, and insufficient coordination between law enforcement agencies and international partners.

Overcoming these challenges requires the implementation of a comprehensive set of measures, including: the development of specialized legislation on war crimes, the creation of interagency coordination mechanisms, the strengthening of human resource capacity, the deepening of international cooperation, and the active introduction of digital technologies.

Ukraine has all the prerequisites to become a model for other countries in the effective implementation of IHL standards within the framework of a national law enforcement system. This will not only reinforce the domestic justice system but also strengthen international trust in Ukraine as a rule-of-law state that adheres to international standards - even under the most difficult circumstances of war.

References

1. Henckaerts, J.-M., & Doswald-Beck, L. (2005). *Customary International Humanitarian Law: Volume I – Rules*. Cambridge University Press / ICRC. https://www.icrc.org/en/doc/assets/files/other/customary-international-humanitarian-law-i-icrc-eng.pdf

2. International Committee of the Red Cross (ICRC). (2021). *Integrating the Law: Toolkit for Law Enforcement Compliance with International Humanitarian Law*. https://www.icrc.org/en

3. International Criminal Court. (1998). *Rome Statute of the International Criminal Court*. https://www.icc-cpi.int/resource-library/documents/rs-eng.pdf

4. United Nations Office of the High Commissioner for Human Rights (OHCHR). (2023). *Report on the Human Rights Situation in Ukraine*. https://www.ohchr.org/en/documents/country-reports/report-human-rights-situation-ukraine

5. Geneva Conventions of 1949 and Additional Protocols (ICRC). https://ihl-databases.icrc.org/ihl

6. Human Rights Watch. (2023). *Ukraine: Evidence of War Crimes and Human Rights Violations*. https://www.hrw.org/world-report/2023/country-chapters/ukraine