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# The Aggression of the Russian Federation and the Impact of Emerging Technologies on International Criminal Justice

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**Abstract**: *War and conflict in international law are approached from two perspectives: jus ad bellum, which is represented by the rules of law that entitle states to use armed force in resolving disputes with other states, and jus in bellum, which represents the rules of international humanitarian law, being a branch of public international law.*
*The armed conflict triggered by the Russian Federation against Ukraine has brought the issue of aggression and war crimes in international law back to the forefront. Although the concept of the crime of aggression has been established since the Nuremberg Tribunal and subsequently in the Rome Statute of the International Criminal Court, its application in the current context faces major legal and political challenges. At the same time, new technologies, especially artificial intelligence, are beginning to have a significant impact on how international crimes are investigated, documented and prosecuted.*

**Keywords:** aggression; Russian Federation; emerging technologies; international criminal justice

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## Introduction

The history of humanity is characterised by the existence of two antagonistic states of affairs, namely: the state of war and the state of peace. These states are permanently interdependent, in the sense that the beginning of one state generates the end of the other.

War as a means of resolving disputes between communities, whether pre-state or state, has its origins in the dawn of civilisation and is as old as history itself. The permanent presence of war in human relations since ancient times was considered to be the natural state of peoples, even a necessity in the evolution of human society. Starting from the fact that human history is marked more by wars than by periods of peace, we come to the real but grim conclusion that history is a pool of blood in which peoples swim (Dragoman, 2000).

In other words, Hugo Grotius believed that *the just cause for starting a war can only be an unjust act*. Of course, he said: there are as many causes for wars as there are for lawsuits, because where justice is lacking, war begins (Grotius, 1968). Historical reality shows that war has often been considered a natural solution for restoring order between communities (Secăreş 1976).

Although we might be tempted to believe that in the 21st century, through the consolidation of international law and its institutions, humanity has managed to curb this practice, the conflict that broke out in February 2022 between the Russian Federation and Ukraine confirmed the fragility of the international legal order and the vulnerability of peace.

## The Russian-Ukrainian conflict: legal implications and consequences for the international order

Tensions between Russia and Ukraine have roots that go back to the Middle Ages. Although both peoples come from the same family of early Slavs, particularly in the context of the so-called "Kievan Rus'", which is why the current President of the Russian Federation frequently invokes the idea of a "single people", the reality is different.

Today, the differences between the two nations are more numerous than the similarities, the result of centuries of separate historical developments. A relevant argument in this regard is the languages they speak: although related, Russian and Ukrainian have remained distinct languages, with essential differences, never fully harmonised.

Politically, while Russia gradually evolved into an empire, Ukraine failed to consolidate its own stable nation state. After the collapse of the Tsarist Empire, of which it had been a part since the 17th century, Ukraine experienced a brief period of independence in 1917, which was quickly ended

by Soviet military intervention and forced reintegration into Russia. Although Lenin initially offered it a certain degree of autonomy, particularly in cultural terms, this openness was brutally interrupted by Stalin after 1930, with the onset of large-scale repression, considered by many historians to be a form of genocide.

It is therefore clear from the above that Ukraine considers itself an autonomous people and has constantly sought to exercise its right to self-determination, while Moscow has never recognised Kiev's independence, whether as part of the Russian Empire (alongside St Petersburg), the Soviet Union or the current Russian Federation (Tchernoff-Horovitz, 2022).

We can now move on to analysing the measures currently being taken under international law, which has not remained passive in the face of this belligerent attitude, in response to the invasion launched by the Russian Federation on Ukrainian territory on 24 February 2022, three years ago. Before doing so, however, it should be emphasised that this invasion is, in fact, an escalation of the tensions that have built up in recent years between Russia and Ukraine, tensions that began, officially or informally, around 2014. This confrontation has so far resulted not only in thousands of casualties on both sides, but also in the largest wave of refugees (Ukrainians) in Europe since the end of the Second World War.

Next, we need to look at the measures taken by the main international courts and regional or global organisations, namely the International Court of Justice, the International Criminal Court, the Council of Europe, the United Nations, the Organisation for Security and Cooperation in Europe (OSCE) and the North Atlantic Treaty Organisation (NATO), with reference to the specific competences and mechanisms of each institution.

With regard to the International Court of Justice (hereinafter referred to as the ICJ), the principal judicial organ of the United Nations (UN) and successor to the Permanent Court of International Justice, the institutional response came in the early days of the armed aggression, following Ukraine's request for provisional measures on 27 February 2022, three days after the Russian Federation's military intervention. This request, which was urgent in nature, was based on the provisions of Article 41 of the Statute of the International Court of Justice, as well as on the provisions of Articles 73, 74 and 75 of the Rules of Procedure of the Court, requesting the international court to indicate provisional measures (Rules of Procedure of the Court, Article 73,74, 75).

Rationae personae, pursuant to Article 34(1) of the ICJ Statute, both Ukraine and Russia (which even has special status as a permanent member of the UN Security Council) may be parties to contentious cases brought before the Court, having been members of the UN since 1948.

Rationae materiae, the application was based on the comprehensive provisions of Article 36(1) of the ICJ Statute. Thus, Ukraine argued that the Russian Federation's "special military operation" a term used by the Russian Federation itself — is in fact a brutal large-scale invasion of Ukrainian territory, thereby violating, in Ukraine's view, the UN Convention on the Prevention and Punishment of the Crime of Genocide (adopted on 9 December 1948).

The main argument of the Ukrainian side was that Russia had given an erroneous and forced interpretation of the situation in the Ukrainian oblasts of Luhansk and Donetsk, which it had abusively considered to be entities independent of Ukraine. As a result, the Russian Federation recognised the self-proclaimed Donetsk and Luhansk People's Republics and launched a 'special military operation' on Ukrainian territory.

**Abuses under Russian occupation**

Persisting in contemplating this harsh reality that dominates the entire natural order, it becomes necessary to recall that the Russian authorities in the occupied territories of Ukraine have continued to apply Russian Federation legislation, establish their own administrative structures and exercise control over local justice, including by appointing federal judges, measures that are in clear contradiction with the provisions of international humanitarian law. At the same time, the occupying authorities have exerted constant pressure on the civilian population to accept Russian citizenship and obtain Russian passports, resorting to methods such as harassment, intimidation, arbitrary detention or restriction of access to basic social services, including medical care. The occupation regime also continued its policy of suppressing the Ukrainian language and the national school curriculum, unilaterally imposing Russian-language teaching and the use of the Russian Federation's educational curriculum in educational establishments in the occupied areas.

By way of interpretation, we observe the restriction of the exercise of fundamental human rights and freedoms, including freedom of expression, freedom of association, freedom of assembly and freedom of religion. In this regard, there have been numerous reports of arbitrary detentions targeting journalists, volunteers, religious leaders and community leaders who refused to cooperate with the occupying authorities.

Furthermore, it should be noted that the occupying authorities continued the practice of forcibly recruiting Ukrainian civilians, including detainees, into the armed forces of the Russian Federation, which constitutes a war crime under international humanitarian law.

In addition to the above, in March of the same year, the de facto authorities in the Russian-occupied regions of Donetsk, Luhansk, Zaporizhzhia and Kherson adopted new administrative measures allowing the confiscation of property deemed "unused". It should be noted that the grounds on which property can be classified in this category are vaguely worded, which has facilitated the arbitrary seizure of private houses and apartments. These measures have directly affected citizens who were forced to leave these territories and who, as a result, were no longer able to manage their property in those regions.

Furthermore, the war waged by the Russian Federation against Ukraine has continued to cause considerable civilian suffering. Since the large-scale invasion in February 2022, Russian forces have committed war crimes and other serious abuses, while creating a constant climate of fear and insecurity in the occupied territories. Throughout 2024, the Russian military offensive focused, among other things, on Ukraine's energy infrastructure, with coordinated attacks targeting the national electricity grid, leading to a significant reduction in power generation capacity and massive power outages across the country. In this context, the International Criminal Court issued four arrest warrants for senior Russian officials for their involvement in planning and coordinating these attacks.

According to data published by the Office of the United Nations High Commissioner for Human Rights, between February 2022 and November 2024, 12,162 Ukrainian civilians lost their lives and another 26,919 were injured as a result of the armed conflict. At the same time, at least 6.7 million Ukrainian citizens were forced to flee outside the country's borders, while millions more remained displaced within Ukraine. Throughout 2024, tens of thousands of people left frontline towns, particularly in the Kharkiv and Donetsk regions, as a result of intensified military action by the Russian army.

We mention that, in 2024, Ukraine achieved several major diplomatic and legal milestones: the European Union opened official accession negotiations in June under a framework emphasizing the rule of law, human rights, and democratic governance; in August, Ukraine advanced significantly toward full membership of the International Criminal Court, reinforcing efforts to combat impunity; and in June, the European Court of Human Rights ruled in Ukraine’s favor in its inter-state case against Russia, holding the Russian Federation responsible for systematic violations of fundamental rights in Crimea since 2014, including politically motivated criminal prosecutions.

## AI and international criminal justice: current perspectives

The gravity and complexity of the crimes committed in the armed conflict between the Russian Federation and Ukraine have prompted not only political and diplomatic reactions at the international level, but also a reassessment of the legal mechanisms designed to punish the most serious violations of international humanitarian law. In a conflict landscape where violence manifests itself not only on the battlefield, but also in cyberspace, in the information environment and against the civilian population, the limitations of traditional methods of documentation, investigation and prosecution are becoming increasingly apparent.

In this new paradigm of modern armed conflict, emerging technologies, particularly artificial intelligence, are beginning to play an increasingly relevant role in supporting international criminal justice. The use of artificial intelligence in the collection, analysis and verification of evidence relating to war crimes and crimes against humanity offers the possibility of streamlining investigations and increasing accuracy in establishing the facts and identifying the perpetrators.

This trend, while promising from the perspective of the tools available to international justice, also raises numerous legal, ethical and procedural challenges that require a rigorous analysis of the compatibility between the use of AI and the fundamental requirements of the right to a fair trial, the protection of personal data, and respect for the principle of legality in international criminal law.

The armed conflict between the Russian Federation and Ukraine, which began in February 2022, highlighted not only the legal complexity of situations involving violations of international humanitarian law, but also the need to adapt technical and legal means of investigation to the realities of modern warfare. In a context marked by hybrid attacks, digital disinformation, violence against the civilian population and widespread destruction, the competent international institutions, such as the International Criminal Court (ICC), have felt the limitations of traditional methods of evidence collection and management (UNIDIR, 2023)

In this regard, artificial intelligence offers new opportunities for streamlining international criminal investigations. AI can be used in the analysis of satellite images to identify areas affected by bombing, in verifying the authenticity of video evidence from conflict zones, in facial recognition of perpetrators, or in analysing the huge volumes of digital data generated by social networks and other online sources.

As such, the relationship between artificial intelligence and international criminal justice is undergoing a process of redefinition, in which ethical, legal, and technical challenges must be harmonised with the imperatives of efficiency and fairness of the international criminal justice system.

## Conclusions

The armed conflict triggered by the Russian Federation against Ukraine has brought to the fore not only the vulnerabilities of the international legal order, but also the fundamental importance of the firm application of international humanitarian and international criminal law.

Despite the existence of complex legal mechanisms designed precisely to prevent and punish such acts of aggression and war crimes, the reality on the ground shows that international law continues to be severely tested in the face of geopolitical interests and the use of brute force. The reactions of international institutions such as the International Court of Justice, the International Criminal Court, the Council of Europe and the European Union are essential steps towards defending the fundamental norms of international coexistence, but the effectiveness of these measures depends on the political will of states and the ability of the international community to act in solidarity.

At the same time, advances in new technologies, particularly artificial intelligence, offer new perspectives in the investigation, documentation and prosecution of international crimes and could become a valuable tool in support of global justice. In the face of aggression that continues to cause widespread human suffering, the imperatives of justice, responsibility and the protection of human dignity must be reaffirmed and strengthened through firm legal action, international cooperation and a shared commitment to the fundamental principles of international law.

**AI tools use statement** | No AI-assisted technologies were used in the writing, editing, or data analysis for this manuscript. All work is original and completed solely by the listed authors

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