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**THE ROLE OF INTERNATIONAL LAW IN PROTECTING  
THE RIGHTS AND FREEDOMS OF A PERSON AND A CITIZEN  
DURING AN ARMED CONFLICT**

The last decade has been marked by a series of brutal military conflicts that have claimed the lives of millions of civilians and caused horrific suffering. These conflicts have been accompanied by gross violations of international humanitarian law and international human rights law. Unfortunately, the war that the Russian Federation unleashed against Ukraine on February 24, 2022, has become a vivid example of such violations.

This war has brought a tragedy for millions of people, causing untold destruction and loss. Despite the existence of numerous international treaties aimed at protecting people in peacetime and during armed conflicts, these norms prove to be ineffective in modern realities. They fail to adequately protect the rights of civilians and combatants at war, and do not deter authoritarian regimes from committing crimes against humanity.

Violations of international law during armed conflicts are often qualified as genocide, war crimes, and crimes against humanity. These crimes have no

justification and must be properly investigated and punished.

International human rights law and international humanitarian law share a common goal of ensuring the dignity of all people and humane treatment of them. In most cases, IHL is applied only during wars between states, while IHRL was created to protect people in peacetime, but the situation has changed, and international humanitarian law and international human rights law are increasingly intertwined. IHRL norms are increasingly being applied during armed conflicts, and regional human rights organizations are increasingly turning to the rules of warfare during armed conflicts when assessing whether violations of international human rights law have occurred [1, pp. 7-8].

The civilian population needs the protection of IHL in two aspects:

1) during the active phase of an armed conflict – from becoming the object of an armed attack and the consequences of the use of force against military facilities and enemy combatants;

2) when they fall under the power of the enemy (in particular, when they find themselves on the territory of the enemy state).

In the first case, we are talking about the application of the following principles of distinction and proportionality. In the second case, the main applicable source of IHL is the Geneva Convention (IV) concerning the protection of civilian population in time of war of 12 August 1949, which protects persons who, at any time and under any circumstances, find themselves in conflict or occupation, under the authority of a party to the conflict or an occupying state of which they are not citizens. The Geneva Convention (IV) on the protection of civilian population in time of war contains general rules that are applied both to all persons receiving the protection of IHL (sanitary and safe zones, evacuation, medical assistance) and to those relating to «persons who are under protection» within the meaning of Art. 4 of this Convention (guarantees of humane treatment). The Geneva Convention contains norms relating to enemy nationals who are on the territory of a party to the conflict. Also, the Geneva Convention regulates the protection of civilians who are in the occupied territory [2, p. 45].

According to international humanitarian law, the parties to an armed conflict are obliged to protect the civilian population. In particular, they are not to build military facilities on the territory of populated areas, not to cover the population with human shields, not to endanger the civilian population. International treaties for the protection of human rights remain extremely important even during internal armed conflicts. Perhaps most importantly, international human rights instruments contribute to the expansion and improvement of the various protection regimes provided with the humanitarian law by equating human rights obligations with the basic considerations of humanity enshrined in Common Article 3. Enforcement mechanisms, provided by international legal instruments on human rights can potentially be used as alternative means of ensuring compliance with the regime of humanitarian protection during armed conflicts [3, p. 48].

It should be noted that international treaties in the field of human rights

protection continue to be applied even during armed conflicts. The UN International Court of Justice, in its Advisory opinion on the legality of the threat of nuclear weapons or their use, noted that the protection provided by the International Covenant on Civil and Political Rights does not cease during war, except in the cases provided with the Art. 4 of the International Covenant [4].

All in all, international law is not just a set of rules, but a vital instrument that protects human rights in the tumultuous times of armed conflicts. It shines like a beacon amidst the chaos, setting clear boundaries of what is permitted. Thanks to international law, the guilty will be brought to justice, and the victims will have hope for justice. However, this protection is not perfect, and its strength depends on all of us. Only through joint efforts can we preserve human rights even in the storm of war.

#### Список використаних джерел

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### ЛОГІЧНЕ МИСЛЕННЯ ЯК ІНСТРУМЕНТ ВПРОВАДЖЕННЯ ІННОВАЦІЙНОГО ПІДХОДУ ДО ПРАВООХОРОННОЇ ДІЯЛЬНОСТІ

Сучасні правоохоронці для втілення концепції нового типу відносин між представниками поліції та суспільством мають відповідати певним вимогам щодо їх компетентності. Вміння використовувати теоретичні знання з логіки