

SUMMARY

Subject of the research thesis: Legal status of certain categories of participants in armed conflicts of non-international character

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Relevance of the study research: By the beginning of 1998 in Russia and CIS countries there are more than 180 zones and outbreaks of potential or manifested socio-economic or religious tensions. This negative trend has continued to the present time. Even it can recall unprecedentedly violent the armed conflict in the south-east of Ukraine. It should be noted that modern international conflicts, having non-international character, generate a lot of unsolved legal problems. Their situation is exacerbated by "internationalization" of armed conflict of non-international character.

Armed conflicts of the last three decades are characterized by the indiscriminate use of weapons: military aircraft, tanks and other armored vehicles, tactical missiles, missile multiple rocket launchers, incendiary weapons, booby traps. There are cases of using poisonous substances. Thus the fundamental rules and principles of the law of armed conflict, human rights and freedoms are violated, cultural values and religious shrines are destroyed.

The purpose of improvement and further development of international legal systems of protection of victims of internal armed conflicts takes imperative character. The solution of this difficult problem had started with Article 3 of Convention on the Protection of War Victims in 1949, Additional Protocol II of 1977 and continued to the International Conference on the Protection of Victims of War, held in Geneva in August - September 1993.

The purpose of the study research is to define general trends in the development of international law applicable to armed conflict of non-international character, to analyze the theoretical and practical results of the codification and progressive development of international law of armed conflict and to determine the possibility of their use in situations of armed conflict of non-international character.

Research objectives:

1. consider the process of codification and progressive development of international law relating to internal armed conflicts.
2. formulate international legal concept of armed conflict of non-international character.
3. consider the status of refugees and displaced persons in international law.
4. investigate the problem of the international legal protection of persons whose liberty has been restricted during the period of armed conflict of non-international character.

5. analyze the process of implementation of the law of armed conflict in the national legislation of the Russian Federation.

Scientific novelty of the research: the work is devoted to the analysis of the most contemporary problems of the law of armed conflict, having non-international character. It is said about the legal status and legal problems of protection different categories of individuals, who were concerned with an armed conflict of non-international character.

The author revealed the international legal content of the concepts of armed conflict, having non-international character, and internationalized armed conflict of non-international character. In addition, there was analyzed the problems of implementation of the law of armed conflict in the modern national legislation of the Russian Federation.

Structure: the introduction, the two chapters, containing five paragraphs, the conclusion and a 55-reference bibliography (ten of which are in foreign languages. The total volume is 78 pages.

Summary: International legal definition of armed conflict, having non-international character should include all forms of armed struggle, mentioned in the dissertation research (civil war, insurrection, rebellion).

As Russian precedents show, the definition contained in Russian law used in recognizing refugee status. Convention's definition was not taken into account, which is absolutely unacceptable, because it is in conflict with the model of the correlation between international and domestic law as enshrined in Part 4 of Article 15 of the Constitution of the Russian Federation.

Representatives of the third party, participating in an armed conflict of non-international character, whose liberty has been limited, are particularly vulnerable and exposed to more abuse. At the same time, international humanitarian law, there is no rules for the responsibility of the state, which resorted to foreign military assistance to armed conflict of non-international character, including responsibility to persons whose liberty has been restricted from the number of armed foreign troops.

State, using its armed forces in conflicts of non-international character and in counterterrorism operations outside, must provide social protection to the person of its soldiers, whose liberty has been restricted during the period of armed conflict of non-international character.

International law of armed conflict, governing conflicts of non-international character, requires further development. It is necessary to make the following changes to the Additional Protocol II to the Geneva Conventions of 1949:

- Recognize the status of war prisoner for persons whose liberty has been restricted in time of armed conflict of non-international character;
- To introduce the institution of legal responsibility of the state, which used foreign troops in its internal armed conflict, to the persons whose liberty has been restricted in time of armed conflict non-international character from the foreign forces;

- Adding the article 4 of the Geneva Convention relative to the Treatment of Prisoners of War with the statement, that confers the status of prisoner of war of persons whose liberty has been restricted from the police peacekeeping forces.