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“20 días en Mariúpol”

Asedio mediante el hambre y la crisis del derecho internacional humanitario

“20 Days in Mariupol”. Siege through Starvation and the Crisis of International Humanitarian Law

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Resumen | El documental «20 días en Mariúpol», ganador del Óscar 2024, ofrece una visión desgarradora desde el corazón de una ciudad sitiada. Grabado por un grupo de periodistas ucranianos durante los primeros días de la invasión rusa, el filme plasma con crudeza el horror cotidiano de la guerra: complejos residenciales bombardeados y hospitales desbordados. Este ensayo, desde una perspectiva crítica, analiza el asedio mediante el hambre como táctica militar sistemática y contrasta esta práctica con las normas del derecho internacional humanitario (DIH), revelando el abismo entre las promesas del derecho y la realidad del conflicto. ¿Qué valor tiene el DIH cuando los hospitales se convierten en objetivos militares? ¿Puede haber humanidad en un asedio? Basándose en el documental, este texto invita a una reflexión más amplia sobre los límites del DIH y del derecho penal internacional, su aplicación desigual y su aparente impotencia frente a Estados hegemónicos. Sirve como una invitación a concebir el derecho no como un objeto fetichista, sino más bien como un terreno en disputa en tiempos en que la barbarie parece estar convirtiéndose en la norma.

Palabras clave | Ucrania, Rusia, crímenes de guerra, asedio, rendición de cuentas e impunidad

Abstract | The 2024 Oscar winner for best documentary, «20 Days in Mariupol», offers a harrowing glimpse from the heart of a besieged city. Filmed by a group of Ukrainian journalists during the first days of the Russian invasion, the footage starkly captures the everyday horrors of war: bombed-out residential complexes and overwhelmed hospitals. This essay, through a critical lens, analyzes the siege through starvation as a systematic military tactic and contrasts this practice with the norms of International Humanitarian Law (IHL), revealing the chasm between the promises of the law and the reality of the conflict. Does IHL have any value at all when hospitals become military targets? Can there be humanity in a siege? Drawing upon the documentary, this text invites a broader reflection on the limits of IHL and international criminal law, their uneven application and their apparent powerlessness in the face of hegemonic states. It also serves as an invitation to conceive of the law not as an object of fetishization, but rather as a contested terrain in times when barbarism seems to be becoming the rule.

Keywords | Ukraine, Russia, war crimes, siege, accountability and impunity



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Guerra de curso tan extraño y larga
y que tantos romanos ha costado,
¿quién no estará suspenso al acabarla,
o quién no temerá de renovarla?
(Cervantes, 1943, p. 37)

1. Introduction

Siege and starvation as methods of warfare are among the oldest military tactics in the world (Rosenblad, 1979, pp. 103-104). Historically, they were considered lawful, even when civilians were present within the besieged area (Cottier et al., 2022, p. 581); (Dinstein, 1991, p. 146). These tactics have long proven highly effective in subduing the enemy (Fox, 2021, p. 28), though they have historically been both ruthless and indiscriminate. Rather than engaging the adversary directly, these strategies aim to break the enemy's willpower as well as that of the entire civilian population through isolation and deprivation (Funderburk, 2021, p. 55); (McGahern, 2026, pp. 444-445).

Throughout human history, there have been several examples of sieges through starvation tactics. The Bible recounts the fall of the walls of Jericho as a divine victory achieved after a long siege (Joshua 6:1-20). In classical antiquity, the sieges of Troy (which took place sometime in the late 13th century or early 12th century BCE¹), Carthage (149-146 BCE), and Jerusalem (1187 CE) demonstrate the destructive power of this prolonged tactic. More recently, cities like Sarajevo, (Bosnia and Herzegovina, 1992-1996) and Aleppo (Syria, 2012-2016) have been subjected to prolonged sieges that devastated entire communities, while the world watched helplessly.

Kraska (2009) defines siege warfare as “an operational strategy to facilitate capture of a fortified place such as a city, in such a way as to isolate it from relief in the form of supplies or additional defensive forces” (para. 1). Sieges are generally conducted through two methods: starvation or bombardment (Kraska, 2009). Contemporary armed conflicts often demonstrate an overlap, with both methods being employed simultaneously (Gillard, 2019). Notably, sieges are frequently imposed precisely to induce starvation among the besieged population (McGahern, 2026). Accordingly, unless otherwise indicated, the term “siege” in this article refers specifically to a siege implemented through starvation, regardless of whether bombardment has also occurred.

International humanitarian law (IHL), also known as the law of armed conflict or *jus in bello*, is the normative framework that regulates armed conflicts and whose ultimate interest is to protect humanity (Swinarski, 1990). This branch of law was born with an ethical aim: to limit the humanitarian effects of armed conflicts, protecting those who do not participate in hostilities or have ceased to participate, and to regulate the methods and means of warfare (Melzer, 2022); (Salmón, 2012); (Thürer, 2011), striving to preserve, as far as possible, a minimum of humanity even amidst barbarity (Maurer, 2022). As Lowe (2015) points out, “the rules of the *jus in bello* are an essential acknowledgement that we share a common humanity with our enemies” (p. 59).

As has been mentioned, IHL distinguishes between the means and methods of warfare and establishes rules governing them (Casey-Maslen, 2020). The term “means” refers to weapons, weapon systems and platforms, while “methods of warfare” generally refers to the way in which weapons are used (Gaggioli y Melzer, 2020); (Sassòli, 2024). Although belligerent parties have the right to choose the means and methods, this is not an absolute right, as established by both conventional² and customary

IHL (Henckaerts y Doswald-Beck, 2005, rule 17).

Siege constitutes a method of warfare. As such, it is governed by the principles of distinction³, proportionality⁴, precaution⁵, and humanity⁶. Given these constraints on the choice of methods, IHL prohibits the deliberate starvation of civilians as a method of warfare based on the principles of distinction and humanity. This prohibition is enshrined in both treaty law⁷ and customary IHL (Henckaerts y Doswald-Beck, 2005, p. 186, rule 53).

However, despite this prohibition in both international armed conflicts (IACs) and non-international armed conflicts (NIACs), siege through starvation continues to be used as a method of warfare in the twenty-first century. Its simple and cruel logic allows belligerents to cut off all essential supplies, to restrict or prevent the evacuation of the population, and to subject the civilians to the constant terror of bombardment (Gillard, 2019).

These consequences underscore its brutality. A siege constitutes an offence against human dignity and a method of warfare devoid of all humanitarian constraints. As will be seen below, it is a form of violence that destroys communities and cuts short the life projects of entire generations.

In the context of the war of aggression against Ukraine, launched on a large scale by the Russian Federation on 24 February 2022⁸, the siege of Mariupol stands out as one of the most emblematic episodes of the conflict. This southeastern Ukrainian port city –with more than 400,000 inhabitants before the conflict (United Nations Data, n.d.)⁹– was surrounded, bombarded, and cut off from the rest of the country by Russian forces for eighty-six days (BBC, 2025).

By 16 June 2022, the Office of the United Nations High Commissioner for Human Rights had verified 1,348 civilian deaths directly resulting from hostilities in Mariupol, but acknowledged that “the actual death toll of hostilities on civilians is likely thousands higher” (Bachelet, 2022). This assessment lends credibility to estimates indicating that at least 10,000 civilians died during the siege, as documented by Human Rights Watch (2024) and Ukrainian authorities (Karmanau et al., 2022).

The humanitarian consequences of the siege extended far beyond casualty figures. The city of Mariupol was transformed into a horror laboratory in which fundamental principles of IHL were systematically violated. The human suffering caused by these violations is captured in the documentary *20 Days in Mariupol* (2023), directed by Ukrainian journalist and cameraman Mstyslav Chernov, a correspondent for Associated Press. Filmed under constant bombardment with minimal resources, the documentary provides a direct account of the siege’s first three weeks.

Among its most harrowing moments are doctors weeping in helplessness as they attempt to save lives. The documentary shows one of these doctors crying out “Film how those bastards are killing civilians. Show that cretin Putin the eyes of this little girl and all the doctors crying” (Chernov, 2023). The documentary further shows surgeries performed without electricity and anesthesia, residential buildings reduced to rubble, and civilians unable to escape, wandering amidst despair, pain, and fear.

20 Days in Mariupol documents international crimes and appeals to the international community’s moral conscience. By exposing the direct effects of a total siege, the film raises fundamental questions about the effectiveness of international law and the capacity of the international community to ensure compliance with its rules. It confronts the limitations of international law, the need for effective transitional justice, and the vital roles of journalists and healthcare workers in armed conflict. In doing so, it preserves the memory of those who suffered one of the most brutal methods of warfare still employed today: siege through starvation.

This article proposes to analyze the film as both an audiovisual testimony of an armed conflict and as evidence of the failure of and need for IHL in today's world. It examines how the siege of Mariupol reveals the tensions between the normative promises of IHL and international criminal law (ICL), and the limited capacity that the international community has to ensure compliance and accountability in contemporary armed conflicts.

This article employs a critical doctrinal methodology, supplemented by a qualitative analysis of the documentary. It first systematizes and interprets IHL's applicable rules governing siege warfare (Theil, 2025); (Varuhas, 2023). Then, the film is examined as a documentary source, shedding light on both the humanitarian consequences of siege warfare and the relationship between legal norms and lived experience. The article combines legal analysis with social science insights to situate legal norms within their broader social and political context (Daly y Tomlinson, 2023). Finally, the article adopts a critical perspective by assessing the gap between the normative framework of IHL and ICL and their practical implementation in Mariupol, examining the political and societal forces that shape how international law operates as well as its consequences for individuals and affected communities (Theil, 2025).

The article is structured as follows: (i) firstly, it examines the humanitarian consequences of siege warfare and its impact on civilians; (ii) secondly, it analyzes the gap between IHL's normative promises and their implementation in Mariupol; (iii) thirdly, it explores the role of journalists and medical personnel in preserving humanity and their protections under IHL; (iv) then, it addresses the challenges of international criminal justice and impunity; and it finally concludes with a reflection upon IHL's enduring relevance and the urgent need to strengthen its enforcement.

2. The Human Impact of Siege Warfare and Starvation

IHL allows siege warfare but imposes strict conduct limitations. Specifically, it prohibits the deliberate starvation of civilians as a method of warfare¹⁰ and it forbids attacking, destroying or removing objects which are indispensable to civilian survival, such as foodstuffs, agricultural areas, drinking water installations, and medical supplies¹¹. Nor does it allow to render them useless. These protections are reinforced by the occupying power's obligation to allow and facilitate humanitarian assistance¹².

Article 54(3) of Additional Protocol I provides only a narrow exception, allowing attacks against certain indispensable objects when they are used exclusively to sustain enemy armed forces or in direct support of military action. Even then, such attacks remain prohibited if they are expected to leave the civilian population without adequate food or water supplies or otherwise cause starvation or forced displacement. However, distinguishing civilian from military supply systems is often extremely difficult in contemporary armed conflicts, where civilian and military infrastructures overlap and are interconnected (Special Rapporteur on the right to food, 2022).

Nowadays, starvation is used as a means of colonizing, conquering, or dominating territory (Special Rapporteur on the right to food, 2024). Siege warfare serves this objective by dismantling the social conditions that are necessary for collective life. Its logic extends far beyond the battlefield, transforming everyday existence into a state of permanent vulnerability. Civilian infrastructure ceases to function as such and instead becomes part of the broader machinery of attrition. With each passing day under siege, physical exhaustion, psychological suffering, and social fragmentation intensify.

Urban sieges increasingly target the conditions which are actually necessary for civilian survival. During the siege of Sarajevo, indiscriminate shelling, sniper attacks against civilians, and the collapse of essential services transformed everyday life into a permanent state of terror¹³. Similarly, in Aleppo, siege warfare led to widespread human suffering ([Independent International Commission of Inquiry on the Syrian Arab Republic, 2017, paras. 95-98](#)). These experiences demonstrate that contemporary sieges are increasingly directed against the civilian environment itself.

Beyond their immediate humanitarian consequences, interdisciplinary literature has shown that siege warfare also causes long-term psychological devastation. Studies on the Gaza Strip describe siege conditions as creating a “continuum of trauma” ([Al-Hroub, 2026, p. 2](#)), characterized by persistent traumatic stress in which danger becomes inescapable and unrelenting ([Veronese et al., 2025](#)).

Research conducted among children and young adults exposed to siege conditions reports alarming levels of post-traumatic stress disorder, severe depression, and anxiety, ranging from 42% to 90% of those affected ([Hamza et al., 2019](#)); ([El-Khodary et al., 2020](#)); ([Aldabbour et al., 2024](#)). These effects are compounded by extreme deprivation and further intensified by constant exposure to death and uncertainty ([Aldabbour et al., 2026](#)). Therefore, siege conditions profoundly disrupt childhood development and socialization ([Al-Hroub, 2026](#)). This process, termed “unchildling”, strips away childhood itself, replacing education, play, and emotional security with survival ([Hamamra y Shehab, 2025](#)).

The consequences often extend far beyond the armed conflict. Research on survivors of the siege of Leningrad (1941-1944) suggests that siege-related trauma may persist for decades ([Gulina, 2013](#)). Similarly, [Musisi y Kinyanda \(2020\)](#) argue that episodes of “Mass War-Trauma” in Africa have fractured social cohesion, marginalized entire communities, and generated transgenerational effects. Siege warfare thus operates as a military tactic capable of reshaping the psychological and social foundations of entire generations.

These findings have implications for international law. If prolonged deprivation predictably causes severe physical and psychological harm, its legal characterization may extend beyond the existing prohibition on siege tactics. Some scholars have argued that prolonged deprivation of food, water, medical care, or shelter may constitute not only a war crime of starvation of civilians as a method of warfare¹⁴, but also the crime against humanity of other inhuman acts¹⁵ ([DeFalco, 2017](#)); ([Kearney, 2013](#)); ([Luciano, 2023](#)), or even torture¹⁶ under certain circumstances ([Dannenbaum, 2021](#)); ([Ventura, 2019](#)).

These cumulative effects are documented in *20 Days in Mariupol*. The film portrays the physical devastation of the city alongside the gradual collapse of the social and emotional structures that sustain communal life. As [Chernov \(2023\)](#) observes, “The city is slowly dying, like a human being”. The film further demonstrates that the violence of siege warfare extends beyond bombardment and deprivation: “It is not only the bombs, lack of food, water. It is isolation, the inability to contact relatives, to find out what is happening in other cities” ([Chernov, 2023](#)). The result is a profound sense of abandonment, as those trapped within the city are left increasingly isolated from both the outside world and the prospect of protection.

The siege of Mariupol reflects the tension between the realities of contemporary urban warfare and the protections afforded by IHL. This provides the framework for the analysis carried out in the following sections.

3. International Humanitarian Law: a set of rules or an empty promise?

IHL has developed a comprehensive normative framework prohibiting attacks against civilian populations and objects. Despite these rules, *20 Days in Mariupol* reveals a persistent gap between these legal protections and their implementation. The documentary is an expose of the consequences of conducting military operations in blatant disregard of the most fundamental rules of IHL. It depicts a pattern of violence directed against military objectives, civilians, and civilian infrastructure alike.

What good is IHL if it cannot prevent these horrors? What purpose do rules serve when powerful states violate them with impunity? What meaning do principles and rules carry when hospitals become military targets, or when journalists must flee for their lives? The siege of Mariupol embodies all these questions. It exposes IHL as a framework of aspirations confronted by the brutal reality of armed conflict.

This critique is not unfounded. Over the past few decades, international law has served as a moral cover for powers that systematically violate it. The United States has undermined it through military operations in Iraq and Afghanistan, Israel has disregarded it in Palestine, Lebanon, and Iran; and Russia has openly defied it in Syria and Ukraine. More troubling still, the institutional mechanisms designed to enforce these norms –such as the International Criminal Court (ICC)– are persistently weakened by insufficient state cooperation, sanctions¹⁷, and the United Nations Security Council¹⁸ veto power.

The IAC in Ukraine exemplifies a fundamental paradox of IHL and international law more broadly: its universal aspirations contrast with their unequal enforcement. While non-state actors and weaker states face condemnation or prosecution, powerful states may violate fundamental rules with minimal immediate consequences (Klamberg, 2020). On 9 March 2022, Russian forces bombed a maternity and children's hospital. Images of pregnant women being evacuated on blood-soaked stretchers shocked the world. Rather than acknowledging responsibility, Russian authorities offered contradictory justifications: claiming the attack had been staged while simultaneously asserting that the Azov Battalion had used the hospital (Thompson, 2022). This justification is legally baseless, since the mere presence of guards or military escorts does not, by itself, deprive a medical unit of its protection under IHL (Melzer, 2022). In this case, legal discourse became a tool to justify IHL violations.

The question about IHL effectiveness do not necessarily justify abandoning it altogether. Such a conclusion would definitely be premature. The main obstacle to IHL effectiveness lies not in the absence the legal rules, but in the political and institutional limitations of their implementation (International Committee of the Red Cross, 2015); (Sassòli, 2024); (Benvenuti y Bartolini, 2013). The gap arises less from the normative framework than from the absence of political will, effective accountability mechanisms, and consistent international cooperation. In other words, weak cohesion in international society perpetuates a primitive legal system incapable of enforcing its own rules (Clapham, 2012). Perhaps, as Lowe (2015) suggests, we expect too much from international law and too little of those tasked with implementing it.

The challenge, therefore, is to strengthen its implementation through more effective mechanisms and institutional reforms capable of reducing the influence of geopolitical interests over humanitarian protection (Benvenuti y Bartolini, 2013). At the same time, IHL needs to be internalized by States, a

process whereby compliance becomes automatic because the norm has acquired “stickiness” within the State’s institutional structure (Koh, 1997, p. 2655).

In this sense, the value of the documentary lies precisely in revealing the gap between law as aspiration and law as reality. By documenting atrocities with extraordinary clarity, the film underscores both the need for and the fragility of IHL, forcing us to face a question international law cannot avoid: Will humanitarian rules remain hostage to political expediency, or can they become genuinely enforceable protections for those caught in armed conflict?

4. Journalism, Medical Personnel, and the Resistance of the Human

Amid devastation, when the logic of war seems to have absorbed everything, some gestures persist that affirm humanity even in its darkest moments. *20 Days in Mariupol* can also be defined as a documentary about ethical resistance. Through cameras and scalpels, journalists and medical personnel continue to defend human dignity even as the city collapses around them. Each of these groups embodies humanitarian values in different ways.

Firstly, war journalism is, above all, an act of witnessing. Chernov and the Associated Press team were the last international journalists to remain in Mariupol during the siege. Their decision to stay was a professional commitment and an ethical one: to document reality while others sought to erase or distort it. In armed conflicts, controlling information and narratives has been historically an integral part of military operations (Shaw, 2005); (Toffler y Toffler, 1995), often accompanied by propaganda and disinformation to gain a competitive advantage (Franco, 2012); (Daniel y Herbig, 1981). Consequently, documenting what happens becomes a form of resistance. Every image preserves a truth that might otherwise be denied. As Chernov (2023) acknowledges, however, even documentation sometimes proves insufficient:

I think about all this country has been through over the past eight years. All that I filmed. Revolution of Dignity. Crimea’s annexation. Russia’s invasion of Donbas. MH17. Donetsk airport siege. Wars that seems endless. Thousands have died. We keep filming, and things state the same. Worse even. Propaganda turns everything upside down.

The documentary also reveals the dilemmas inherent in war reporting. At times, Chernov momentarily steps beyond the role of mere observer to comfort victims; however, he never abandons his primary mission: to document what is going on. The footage that he and his colleagues manage to bring from the besieged city constitutes some of the few independent records of the siege. The images became news reports and potential evidence of international crimes.

This humanitarian function is included in IHL itself. Article 79 of Additional Protocol I stipulates that “journalists engaged in dangerous professional missions in areas of armed conflict shall be considered as civilians (...) provided that they take no action adversely affecting their status as civilians”¹⁹. Customary IHL extends equal protection to NIACs (Henckaerts y Doswald-Beck, 2005, rule 34). These norms recognize that documenting armed conflicts provides a service to freedom of expression and accountability, preserving evidence of violations and helping to ensure that atrocities cannot easily be concealed or denied²⁰.

However, the siege of Mariupol also illustrates how fragile these protections actually are. In fact,

Chernov and his team were compelled to flee the city to avoid capture. They hid their cameras and managed to escape, only because the International Committee of the Red Cross had arranged a humanitarian convoy.

Secondly, journalism is not just a practice that sustains dignity amid collapse. Medical personnel preserve life. The film portrays them working under unreasonable conditions: operating without electricity, with dwindling medical supplies, overcrowded facilities, and under the constant threat of bombardment. Despite these overwhelming obstacles, they continue to treat the wounded and care for civilians, transforming medical practice into an act of humanitarian resistance.

One of the most moving moments in the documentary occurs when they attempt to resuscitate a baby who is only a few months old, following a bombardment. Despite performing CPR, the child fails to survive. The scene captures the emotional burden borne by healthcare workers, showing the limits of medicine under siege. In this moment of failure, their persistence in treating patients represents a refusal to surrender to the logics of war. Every life saved becomes an affirmation of humanity in circumstances designed to extinguish it.

The work of medical personnel safeguards a fundamental humanitarian interest during armed conflicts: access to medical care for all persons *hors de combat* and for civilians affected by hostilities (Kolb y Nakashima, 2019). They make the principle of humanity real, by alleviating suffering and providing care to the sick and wounded without adverse distinction. As the Commentary to the Fourth Geneva Convention explains, the principle of humanity consists in assisting “human beings plunged into suffering by a common destiny” (Pictet, 1958, p. 136).

Beyond treating immediate injuries, functioning health systems prevent indirect mortality, contain disease outbreaks, and maintain minimum social stability during armed conflict (Rubenstein, 2021). Even for combatants, access to medical care holds significant psychological value, reinforcing confidence that wounds do not necessarily entail abandonment (Gross, 2006).

It is for these reasons that IHL establishes extensive protection to medical personnel, units, and transports²¹. The Geneva Conventions²², Additional Protocol I²³, and customary IHL (Henckaerts y Doswald-Beck, 2005, rules 25, 26, 28-30) prohibit attacks against medical services and require parties to the conflict to respect and protect those engaged exclusively in humanitarian duties.

All in all, *20 Days in Mariupol* reminds us that the principle of humanity survives in those who choose to uphold it. Journalists preserve the truth, and medical personnel preserve life and health. Although both professions are expressly protected under IHL, the Mariupol situation exposes how fragile these protections become when the law is disregarded. Yet the documentary simultaneously shows that every image transmitted beyond the siege and every patient treated under bombardment stand as an act of resistance against the logics of war.

5. Justice, Impunity, and the Urgency of a New International Pact

When the bombs cease and ruined cities slowly undergo reconstruction, one question inevitably remains: Will justice be served? After watching *20 Days in Mariupol*, this question becomes unavoidable. The images recorded by Chernov constitute both a chronicle of the siege and a potential

evidentiary record of international crimes. Every IHL violation stands as an indictment demanding accountability. But who will answer for these crimes? Which institutions can transform documented atrocities into individual responsibility? These questions lead directly to international criminal law (ICL).

ICL provides the legal framework through which individuals may be held criminally responsible for the gravest crimes of concern to the international community: genocide, crimes against humanity, war crimes, and the crime of aggression (Cassese et al., 2013); (Ambos, 2013); (Robinson et al., 2024); (Werle y Jeßberger, 2020)²⁴. These crimes affect the fundamental values of the international community, such as the peace, security and well-being of the world (Werle y Jeßberger, 2020). The ICL's principal international body today, the ICC, was established to ensure that those responsible for such crimes do not evade accountability²⁵.

The documentary *20 Days in Mariupol* records repeated attacks against civilians, bombardment of hospitals, and the destruction of infrastructure indispensable to civilian survival. These acts may constitute war crimes under the Rome Statute, which includes intentionally attacks against civilians and civilian objects²⁶, attacking hospitals and medical units²⁷, and deliberately using starvation of civilians as a method of warfare²⁸. If part of a widespread or systematic attack on civilians under state or organizational policy, these actions may also constitute crimes against humanity²⁹.

These allegations are not merely theoretical. The Office of the Prosecutor of the ICC is currently investigating the situation in Ukraine (International Criminal Court, 2022). Arrest warrants have indeed been issued against officials of the Russian Federation. On 17 March 2023, Pre-Trial Chamber II issued warrants of arrest against Vladimir Putin, President of the Russian Federation, and Maria Lvova-Belova, Commissioner for Children's Rights, for the war crimes of unlawful deportation and unlawful transfer of Ukrainian children from occupied territories to the Russian Federation³⁰ (International Criminal Court, 2023). Subsequently, on March 5, 2024 and June 25, 2024, the ICC issued arrest warrants against other Russian military and political officials (International Criminal Court, 2024); (International Criminal Court, 2024). Although these warrants do not encompass the full spectrum of atrocities documented during the siege of Mariupol, they importantly represent acknowledgment that even senior political leaders may incur individual criminal responsibility under ICL.

At the same time, the situation in Ukraine exposes the structural limitations of international criminal justice. The ICC possesses neither police power nor enforcement mechanisms of its own (Goldsmith, 2003); (Cassese et al., 2013). The Rome Statute's cooperation regime is considerably less coercive than that of the International Criminal Tribunals for the former Yugoslavia and Rwanda, as it is grounded in principles of state consent and good faith (Sluiter, 2018); (Rastan, 2008). Consequently, only states that have accepted ICC jurisdiction have the duty to cooperate, barring Security Council intervention (Roper y Barria, 2008); (Rastan, 2008).

However, it is political reality that frequently determines whether such cooperation materializes, since international criminal justice is particularly susceptible to political influence (Leontiev, 2025); similarly, (Lambridis, 2022); (Benvenuti y Bartolini, 2013). As Rod Rastan observes, "successful enforcement will therefore depend on the convergence of a number of policy considerations for each state" (2008, p. 440)³¹.

The reality is that states confront substantial political, economic, and diplomatic costs in enforcing international law (Simmons, 2012). As (Goldsmith y Posner, 2005) point out: "international law itself

emerges from States acting rationally to maximize their interests, given their perceptions of the interests of other states and the distribution of state power” (2005, p. 3). It is not separate from politics but rather an expression of politics itself (Koskenniemi, 2011).

Lacking independent enforcement mechanisms, the ICC can only report non-compliance to the Assembly of States Parties or the Security Council³², and must frequently engage in significant bargaining to elicit state cooperation (Roper y Barria, 2008). Consequently, the effectiveness of international criminal justice remains contingent on geopolitical considerations, beyond the Court’s control.

The lack of political support for the enforcement of ICC’s resolutions undermines the Court’s work, as it casts doubt on the international community’s commitment to executing its arrest warrants (Rastan, 2008); (Moreno-Ocampo, 2007). States’ experiences with *ad hoc* tribunals demonstrated that non-compliance significantly eroded effectiveness, and “one of the main areas of non-co-operation by states was the failure to surrender indictees” (Roper y Barria, 2008, p. 460). Recent cases exemplify this problem. Despite their obligations as parties to the Rome Statute, Mongolia³³ and Tajikistan³⁴ have failed to arrest the President of the Russia due to their energy, economic, and military dependency on Russia (Jochecová, 2024); (Associated Press, 2025). Hungary, for example, has refused to enforce the arrest warrant issued against the Prime Minister of Israel³⁵. These situations illustrate the double standards on ICL: Western states supported Putin’s arrest warrant while most Global South nations opposed it; yet, the arrest warrants for Israeli officials divided Western states but received virtually unanimous support from the Global South (Goldston, 2024); (Leontiev, 2025); (Gurmendi, 2023); (Weatherald y Munster, 2024).

This structural inequality reveals a graver problem: selective justice. International criminal courts have failed to entrench the principle that criminal responsibility applies equally to all individuals (Hafetz, 2017). This is because double standards are inevitable, due to the unequal distribution of power (Goldston, 2024). Powerful states from the Global North tend to avoid consequences for their violations far more frequently than less powerful states from the Global South (Shereshevsky, 2025). This selectivity undermines the effectiveness, as well as the legitimacy and fairness of international criminal justice (Hafetz, 2017); (Drumbl, 2005); (Goldston, 2024). In effect, four States Parties³⁶ have claimed double standards to justify their recent denunciations of the Rome Statute (Reuters, 2026); (Alliance of Sahel States, 2025); (International Criminal Court, 2026).

Selectivity also has an impact on deterrence, another ICL function (Robinson et al., 2024); (Ambos, 2013); (Werle y Jeßberger, 2020); (Bassiouni, 1996)³⁷. When officials of powerful states evade accountability while weaker states face prosecution, as in the situation in Ukraine, the Court’s capacity to deter future atrocities is compromised (Ambos, 2020); (Wilt, 2020).

Notwithstanding any of the above, justice cannot be reduced solely to criminal punishment (Boraine, 2004). While trials are essential for combating impunity, they represent only one dimension of transitional justice (Teitel, 2000); (Secretary-General of the United Nations, 2004). Criminal proceedings fail to provide a comprehensive understanding of events and obscure the role of other actors, perpetuating collective innocence myths (Fletcher and Weinstein, 2002). Moreover, trials address only one dimension of abuse, leaving systemic and collective factors that fuel violence largely unexamined (Fletcher and Weinstein, 2002).

In that sense, complementary mechanisms for truth-seeking and historical memory reconstruction are necessary to ensure victim re-dignification and to prevent violations from recurring (Dorado Porras,

2015); (Uprimny Yepes y Saffon Sanín, 2006). These mechanisms must transcend strictly legal instruments (Teitel, 2014); (Koskeniemi, 2002)). Truth commissions –the most widely recognized tool (Uprimny Yepes y Saffon Sanín, 2006)– uncover broader truths than judicial processes alone (Koskeniemi, 2002); (Teitel, 2014). By integrating restorative justice, they better address victims' and society's rights (Findlay, 2011); (Dorado Porras, 2015).

Additionally, reparations constitute another pillar of transitional justice. While the Rome Statute provides for material reparations³⁸, all those convicted by the ICC have been declared indigent, which prevents victims from receiving compensation (Papachristopoulos, 2024).³⁹ Consequently, while the retributive purpose could be satisfied, the compensatory purpose of reparations orders may never be fulfilled (Papachristopoulos, 2024). This gap has prompted victims to pursue complementary claims through different forums⁴⁰. In view of the above, other material reparation mechanisms remain necessary, including restitution where possible and rehabilitation⁴¹. It is imperative that moral and symbolic reparations be implemented due to their dual restorative function. Individually, they restore victims' dignity (Teitel, 2000); (Botero Marino y Restrepo Saldarriaga, 2006), and collectively, they contribute to ensuring non-repetition of violations (Botero Marino y Restrepo Saldarriaga, 2006).

To summarize, *20 Days in Mariupol* reminds us that justice is not merely judicial. The Ukrainian people require not only trials, but also historical truth, dignity, recognition, and reparation. The film presents a great challenge: transforming the promises of ICL into reality. Although accountability for the crimes committed in Mariupol may still lie in the future, preserving the memory of those who suffered also keeps the possibility of justice alive. In a context where the selective application of international law favors powerful states, the persistence in documenting and denouncing these atrocities becomes a form of resistance against impunity.

6. Conclusions

The siege of Mariupol exposes a central paradox of contemporary international law: never before has humanity possessed such a comprehensive legal framework regulating armed conflict; yet, neither has the gap between legal norms and their effective implementation appeared so evident as today. The rules were neither absent nor ambiguous. What Mariupol reveals is the persistent unwillingness –or inability– of the international community to ensure the consistent application of international law, which favors the powerful states.

Viewed through this lens, *20 Days in Mariupol* is a juridical narrative that exposes both the strengths and the limitations of international law while, at the same time, it serves as an act of justice: every image broadcast from the besieged city becomes evidence that cannot be denied or forgotten. The film illustrates the devastating humanitarian consequences of siege warfare, documents potential international crimes and highlights the indispensable role of journalists and medical personnel in preserving truth, life and the possibility of accountability. In bringing together IHL and ICL, the documentary shows that civilian protection during armed conflict and the pursuit of justice after atrocities are inseparable components of the same normative project.

Ultimately, international law's enduring value lies not only in the legal obligations it imposes but also in the moral horizon it provides (Kelly, 2025).⁴² Mariupol reminds us that law alone cannot prevent every atrocity. Nevertheless, abandoning its normative framework would mean surrendering the very standards by which such atrocities are recognized and judged. In this sense, the film demonstrates that

preserving humanity during armed conflict depends on both those who continue to heal, report, and bear witness, as well as on the international community's willingness to transform the promise of law into effective protection for all those caught in violence.

Technical sheet

Original title: 20 Days in Mariupol

Title in Spanish: 20 Días en Mariúpol

Year: 2023

Duration: 95 minutes

Country: Ukraine

Direction: Mstyslav Chernov

Script: Mstyslav Chernov

Cast: Liudmyla Amelkina, Mstyslav Chernov, Roman Golovanov, Zhanna Homa, Oleksandr Ivanov, Irina Kalinina, Igor Konashenkov, Sergey Lavrov, Evgeniy Maloletka, Ernest Matskyavichyus, Vasiliy Nebenzya, Volodymyr Nikulin, Vladimir Putin, Anastasiya Yerashova, Volodymyr Zelenskyy

Producer: Associated Press and PBS Frontline

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Notas

¹ Traditional chronology, derived from Eratosthenes, dates the Trojan War to 1194-1184 BCE. Modern scholars treat this as legendary rather than historical, preferring archaeological evidence from the Late Bronze Age (late thirteenth or early twelfth century BCE) for any historical conflict underlying the tradition. See Strauss (2006, pp. xi, xiii); Wood (1998, p. 4); Bryce (2005, pp. 365-367); Cline (2021, pp. 94-95). ↑

2 Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts, adopted on 8 June 1977 (Additional Protocol I or API), art. 35(1). ↑

3 The principle of distinction seeks to ensure the maximum possible protection of the civilian population and other persons not participating in the hostilities from the effects inherent in armed conflict (Cozzi Elzo, 2020); (Thürer, 2011). To this end, it requires belligerents to always distinguish between persons and objects that may lawfully be targeted and those protected from direct attack (Melzer, 2015) see also API, art. 48; and (Henckaerts y Doswald-Beck, 2005, rule 1). The International Court of Justice in Legality of the Threat or Use of Nuclear Weapons. Advisory Opinion. (8 July 1996), para. 78, has stated that it constitutes one cardinal principle of IHL. ↑

4 The purpose of the principle of proportionality is “both to prohibit the use of particularly destructive weapons and to constrain the excessive use of weapons whose deployment is not prohibited” (Franck, 2008, p. 723). In other words, the principle was developed to limit the discretion of the parties to an armed conflict (Thürer, 2011). It prohibits attacks in which the expected incidental harm to civilians, including death, injury, or damage to civilian objects, would be excessive in relation to the concrete and anticipated direct military advantage (Melzer, 2022); see also API, art. 51(5)(b); and (Henckaerts y Doswald-Beck, 2005, rules 14, 18 and 19). ↑

5 The principle of precaution entails a duty imposed on belligerents to avoid attacks mistakenly directed against non-military objectives and to minimize the unnecessary consequences of attacks (Melzer, 2022); see also API, art. 57(1); and (Henckaerts y Doswald-Beck, 2005, rule 15). ↑

6 The principle of humanity stipulates that every person must be treated with respect for their status as a member of humanity, regardless of any other circumstances (Hassanova, 2023). As the International Criminal Tribunal for the Former Yugoslavia observed in Prosecutor v. Anto Furundžija. Case No. IT-95-17/1-T. Judgement (10 December 1998), para. 183, that “this principle is intended to shield human beings from outrages upon their personal dignity, whether such outrages are carried out by unlawfully attacking the body or by humiliating or debasing the honour, the self-respect or the mental well-being of the person”. The principle therefore seeks to minimize suffering in armed conflict by prohibiting the infliction of suffering or destruction not necessary for legitimate military purposes (Blank y Noone, 2016); (Crawford y Pert, 2015). According to (Thürer, 2011), humanity constitutes the telos of the foregoing principles and requires that a balance be struck between the “necessities of war” and the “requirements of humanity” (pp. 65 and 69). In this sense, it acts as an “essential counterbalance to the principle of military necessity and serves as a central principle of constraint” (Blank y Noone, 2016, p. 29). The principle of military necessity, conversely, means that violence “is permitted only when justified by military necessity (...) a party to a conflict is entitled to do whatever is necessary to defeat an enemy or to win a war” (Thürer, 2011, p. 68). It recognizes that the military has the right to use any measures not forbidden by IHL which are indispensable for securing the complete submission of the enemy as soon as possible, while minimizing the cost in human lives and economic resources (Blank y Noone, 2016); (Salmón, 2012); (Crawford y Pert, 2015). As (Cozzi Elzo, 2020) explains, military necessity is therefore reflected in positive IHL through exception clauses established in the *lex scripta*, whose invocation to depart from the general rule remains subject to a test of reasonableness in the light of the circumstances. ↑

7 API, art. 54; Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts, adopted on 8 June 1977 (Additional Protocol II or APII), art. 14. ↑

8 While an armed conflict had existed between Russia and Ukraine since 2014, concentrated in the

Donbas region and Crimea, the February 2022 invasion represented a major escalation into large-scale warfare. [↑]

⁹ United Nations Data. (n.d.). City population by sex, city and city type. [↑]

¹⁰ See note 7. [↑]

¹¹ API, art. 54(2). [↑]

¹² Geneva Convention relative to the protection of civilian persons in time of war, adopted on 12 August 1949 (Geneva Convention IV or GC IV), arts. 23 and 59; API, arts. 70-71. [↑]

¹³ See, Prosecutor v. Stanislav Galić. Case No. IT-98-29-T. Judgement and Opinion (5 December 2003), para. 138. Similarly, Prosecutor v. Stanislav Galić. Case No. IT-98-29-A. Judgement (30 November 2006), paras. 105-109. [↑]

¹⁴ Rome Statute of the International Criminal Court, adopted on 17 July 1998 (Rome Statute), art. 8(2)(b)(xxv) for IACs, and art. 8(2)(e)(xix) for NIACs. However, the amendment to the Rome Statute that created Article 8(2)(e)(xix) has been ratified by only 24 States. Consequently, pursuant to Article 121(5) of the Rome Statute, since most of the remaining States parties have not ratified this provision, its enforcement and relevance are limited. United Nations Treaty Collection. (3 August 2026). 10. g Amendment to article 8 of the Rome Statute of the International Criminal Court (Intentionally using starvation of civilians). Retrieved on 11 August 2026. [↑]

¹⁵ Rome Statute, art. 7(1)(k). [↑]

¹⁶ Rome Statute, art. 7(1)(f). [↑]

¹⁷ It should be noted that the term “sanctions” as applied to United States measures against the ICC is technically imprecise. Sanctions in international law properly refer to measures exercised by competent international organizations that extend beyond the suspension of obligations and can compel member States to adopt measures in response to breaches of international peace and security, with their primary function being to address threats to peace and enforcement of international law serving only as a secondary purpose (White, 2018) . Consequently, the more accurate terminology would be “unilateral coercive measures”. [↑]

¹⁸ Concerning the United States’s consistent use of its power to veto in the Security Council in connection with the armed conflict in the Gaza Strip, (Baretto, 2024) has stated that “the will of an empire shielded the sovereignty of the state of Israel –a settler colonial state– allowing it to continue perpetrating not only a common or even grave violation of human rights but the campaign of destruction that has led to the most vile and egregious of all: genocide”. [↑]

¹⁹ API, art. 79(1) and (2). [↑]

²⁰ Although the protection afforded to journalists under IHL is primarily justified by their civilian status, it also finds support in the essential democratic and humanitarian function of journalism itself. Desantes (1988) argues that informing constitutes “an act of justice” (pp. 12-13), while other authors describe journalism as enabling citizens to receive the information necessary for self-government and to transform

society (Kovach y Rosenstiel, 2012); (Gomis, 1991). ↑

21 For a detailed analysis, see, for example, Vergara (2024) and Kleffner (2013). ↑

22 Geneva Convention for the amelioration of the condition of the wounded and sick in armed forces in the field, adopted on 12 August 1949 (Geneva Convention I or GC I), arts. 18-32; GC IV, arts. 18-23. ↑

23 API, arts. 12-18. ↑

24 See also Prosecutor v. Zoran Kupreškić, Mirjan Kupreškić, Vlatko Kupreškić, Drago Josipović, Dragan Papić and Vladimir Šantić. Case no. IT-95-16-T. Judgment (14 January 2000), paras. 848-849; and the Preamble of the Rome Statute, para. 5. ↑

25 As shown in the Preamble of the Rome Statute, para 5. This is without prejudice to the special role that national courts play in prosecuting international crimes. ↑

26 Rome Statute, art. 8(2)(b)(i) and (ii). ↑

27 Rome Statute, art. 8(2)(b)(xxiv). ↑

28 Rome Statute, art. 8(2)(b)(xxv). ↑

29 Rome Statute, art. 7. ↑

30 Rome Statute, arts. 8(2)(a)(vii) and 8(2)(b)(viii). ↑

31 See also, (Gaeta et al., 2020, p. 5.). ↑

32 Rome Statute, art. 87(7) ↑

33 Situation in Ukraine. Finding under article 87(7) of the Rome Statute on the non-compliance by Mongolia with the request by the Court to cooperate in the arrest and surrender of Vladimir Vladimirovich Putin and referral to the Assembly of States Parties. ICC-01/22-90. (24 October 2024). ↑

34 Situation in Ukraine. Finding under article 87(7) of the Rome Statute on the non-compliance by Tajikistan with the request by the Court to cooperate in the arrest and surrender of Vladimir Vladimirovich Putin and referral to the Assembly of States Parties. ICC-01/22-143. (19 March 2026). ↑

35 Situation in the State of Palestine. Finding under article 87(7) of the Statute on Hungary's non-compliance with the Court's request to cooperate in the provisional arrest of Benjamin Netanyahu and referral to the Assembly of States Parties. ICC-01/18-462. (24 July 2025). ↑

36 Venezuela, Burkina Faso, Mali, and Niger ↑

37 See also The Prosecutor v. Georges Anderson Nderubumwe Rutaganda. Case No. ICTR-96-3-T. Judgement and Sentence (6 December 1999), para. 455; The Prosecutor v. Zejnil Delalić, Zdravko Mucić, Hazim Delić and Esad Landz. Case No IT-96-21-T. Judgement (16 November 1998), para. 1234. ↑

38 Rome Statute, arts. 75 and 85. ↑

39 Notwithstanding the contributions of the Trust Fund for Victims. ↑

40 An example is *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*. Judgment (9 February 2022). ↑

41 United Nations General Assembly (16 December 2005). Resolution 60/147. Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law. A/RES/60/147. <https://docs.un.org/A/RES/60/147>, paras. 19 and 21. ↑

42 Even though d'Aspremont (2018) point out that, instead of constituting a moral horizon, international law functions as a belief system comprised of a set of interrelated attitudes about what a professional community considers true. According to this theory, the discipline is articulated around fundamental doctrines (such as sources, responsibility, or statehood) that invent their own origin and dictate their own functioning, acting as “transcendental validators” that are accepted without the need for rational or empirical proof (d'Aspremont, 2018). ↑