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BIG DATA ANALYTICS DURING STATE OF WAR: SAFETY VS LEGAL ASPECT

The undeclared insidious war of the Russian Federation against Ukraine has created fundamentally new realities for the system of national security, defense and international security as a whole. For the second month already, one small country, despite all the guarantees of international security previously provided by the so-called «strong» states, has been forced to defend itself against an open military invasion by a huge state that positions its army as «the second in the world». This unprecedented event set a precedent for international law. Its principles have proved ineffective against the aggressor country, which has already been forgiven for military conflicts in Georgia, Moldova, Tajikistan, Uzbekistan, Dagestan, Chechnya, Syria, the annexation of Crimea and the partial annexation of Donetsk and Luhansk regions of Ukraine, Smolensk plane crash in 2010, the downing of a civilian passenger plane Boeing 777 near Donetsk in 2014. As a result, this illusion of

complete impunity led to a new crime against humanity – a full-scale military invasion of Ukraine by the Russian Federation, which effectively drew the whole world into World War III.

The Russian army violated all laws and principles of war by using mass executions of civilians, numerous abuses, rapes, destruction of private property, looting and forced deportation to Russia and its temporarily occupied territories. Under such harsh circumstances, the Ukrainian government has given official permission to kill the invaders to all civilians, and the church does not consider personal revenge a sin. The Russian army, with its terror and belief in impunity, caused a massive effect on the so-called «affect» state of the civilian Ukrainian population and provoked an irresistible desire to punish each aggressor independently and immediately for inhuman crimes. However, the crimes they committed and the possible punishment are incomparable. With the beginning of the war between the Russian Federation and Ukraine, many new terms have appeared in modern language, but it is difficult to speak the language of law with the aggressor. Thus, Israel, a small country that has been successfully fighting the Arab world for more than 60 years for its rights, has realized that words and legal instruments are not always able to stop killings and prosecute all war criminals. This understanding was one of the reasons for the creation and operation of the Mossad, which is officially a civilian structure.

The presumption of innocence has always been the advantage of the civilized world. However, loyal laws of international law do not allow to fully prove all crimes committed on the territory of Ukraine, both against the state and against individual civilians, and to punish all those guilty. Without evidence, it is difficult to enforce the law. Under the occupation, it is almost impossible to gather evidence of crimes, because the Russian army carefully destroys them by spreading fakes, burning the corpses of civilians in crematoria imported from Russia, and forcibly deporting hundreds of thousands of Ukrainians to remote areas of Russia. It is also almost impossible to prove the facts of abuse of prisoners and crimes against children and the infirm. In conditions of constant hostilities or occupation, it is not possible to take samples for analysis to determine which chemical was used by the Russians using prohibited weapons. Such confidence in impunity provokes mass, long-lasting, often group brutal inhumane crimes against the civilian population of Ukraine. The “dilemma of sensitivity and specificity” remains unresolved: is it more important to prove the innocence of the probable suspect (this is likely to contribute to his impunity) or to protect the rights of the innocent victim? This dilemma is a reason to ignore the very facts of the crimes because of the sense of insecurity gained from the experiences of victims of previous similar cases who have gone unpunished.

The high-tech society of the 21st century deals with the issues of recognizing humanoid robots as subjects of legal relations, the legitimacy of granting them citizenship, and learning to guard against the global threats of Artificial intelligence

(AI). However, modern society has proved unprepared to defend itself against crimes against humanity committed by homo sapiens themselves. Probably because the very term «man» a priori means that it is a biological being endowed with both intellect and morality. The actions of Russian servicemen in the context of the war they started in Ukraine cannot be described by any of these concepts. Not only lawyers but also psychiatrists have to investigate such brutally irrational behavior, called the «phenomenon of racism».

The UN International Court of Justice cannot force Russia to enforce its decision to end the war against Ukraine, but international law requires conclusive evidence that the Russian army has violated all the rules and traditions of war, and the Russian military has committed crimes against Ukrainian citizens. In such circumstances, the use of big data analytics technology can be an effective mechanism for gathering evidence of war crimes and accompanying criminal proceedings [1, p. 122].

Big data analytics can be used for pattern recognition, tracking and social media discovery [2, 765]. This violates the right to confidentiality to some extent, but it still makes it possible to make the “Solomon's decision” even before there is not a single living witness of the modern genocide left. In addition, confidential data can be encrypted, not stored or distributed. This information can be used to pre-assess risks and predict potential threats of large-scale or partial escalation through event analysis. This is a method of studying the dynamics of political situations, based on observation of the intensity of events in order to identify possible ways of their development and the most important components of the political process [3, 109]. Big data technologies are effective for monitoring and controlling the movement of people both inside and outside the country, searching for missing persons, identifying the dead, searching for war criminals and collaborators, tracking criminals and wanted cars [4, p. 33].

Information technologies based on AI algorithms can be effective in the context of military operations to analyze the relevance of evidence to the criminal process, the classification of crimes, compliance with regulations, and so on. Text Mining tools, which cover many different aspects of machine reading, including analytics and document classification, recognition of key propaganda narratives, and detection of fakes, can be effective in building the evidence base for informed decision-making in criminal proceedings and judicial analysis.

For remote monitoring in combat or demining, the military of many countries has successfully used intelligent robots to assess potential risks and respond to potential hazards, including demining, collection and analysis of explosives and toxic substances. [1, 123].

Lawyers at the international level have yet to determine how to qualify the unprecedented crimes of the Russian Federation against the people of Ukraine.

However, it is big data technology that can be an effective tool to support decision-making in these complex uncertain settings and reduce the ineffectiveness of overly loyal laws to criminals who massively conceal crimes and destroy their evidence.

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