# АКТУАЛЬНІ ПРОБЛЕМИ МІЖНАРОДНОГО ПУБЛІЧНОГО ПРАВА

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## ARTIFICIAL INTELLIGENCE IN WAR CRIMES INVESTIGATION: OPPORTUNITIES AND RISKS

This article examines the opportunities and risks associated with the use of artificial intelligence in the investigation of war crimes. The relevance of this topic stems from the significant increase in the volume of digital information that may hold evidentiary value — including photographs, video footage, satellite imagery, open-source data, social media content, electronic documents, and geolocation data. Processing such vast datasets using traditional methods requires substantial time and personnel resources, thereby necessitating the use of modern technological tools.

This paper examines the primary applications of artificial intelligence in the collection, systematization, classification, and analysis of information related to war crimes. Particular attention is paid to the use of machine learning algorithms, computer vision, and natural language processing technologies for analyzing photographic, video, and textual materials; recognizing objects and individuals; establishing spatiotemporal links between events; and processing large datasets. The prospects for utilizing artificial intelligence in working with open-source intelligence (OSINT), digital evidence, and satellite imagery are also outlined.

At the same time, the key risks associated with the use of such technologies have been analyzed. These include the potential for erroneous or biased results, the dependence of algorithms on the quality of input data, a lack of transparency in algorithmic decision-making processes, and violations of privacy and personal data protection. A distinct threat is posed by the proliferation of deepfake technologies capable of creating or altering digital content, which complicates the verification of its authenticity and reliability.

It is argued that the outputs of artificial intelligence cannot be automatically accepted as reliable evidence and must undergo proper verification and procedural assessment. Artificial intelligence should be utilized as an auxiliary tool that enhances the speed and efficiency of investigators, prosecutors, and experts, without replacing their professional judgment. The study concludes that there is a need to improve legal regulation, develop unified standards for verifying digital evidence, and ensure appropriate human oversight regarding the use of artificial intelligence technologies in the investigation of war crimes.

***Keywords:*** *artificial intelligence, war crimes, digital evidence, machine learning, OSINT, deepfake, digital technologies.*

**Марина Іліка. Штучний інтелект у розслідуванні воєнних злочинів: можливості та ризики.**

Статтю присвячено дослідженню можливостей та ризиків застосування штучного інтелекту у розслідуванні воєнних злочинів. Актуальність теми зумовлена



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значним збільшенням обсягів цифрової інформації, яка може мати доказове значення, зокрема фото- та відеоматеріалів, супутникових знімків, даних із відкритих джерел, соціальних мереж, електронних документів та геолокаційної інформації. Опрацювання таких масивів традиційними методами потребує значних часових і кадрових ресурсів, що зумовлює необхідність використання сучасних технологічних інструментів.

У роботі розглянуто основні напрями застосування штучного інтелекту під час збору, систематизації, класифікації та аналізу інформації, пов'язаної з воєнними злочинами. Особливу увагу приділено використанню алгоритмів машинного навчання, комп'ютерного зору та технологій обробки природної мови для аналізу фото-, відео- й текстових матеріалів, розпізнавання об'єктів та осіб, встановлення просторово-часових зв'язків між подіями, а також опрацювання великих масивів даних. Визначено перспективи використання штучного інтелекту під час роботи з відкритими джерелами інформації (OSINT), цифровими доказами та супутниковими матеріалами.

Водночас проаналізовано основні ризики застосування таких технологій. До них належать можливість отримання помилкових або упереджених результатів, залежність алгоритмів від якості вихідних даних, недостатня прозорість процесу прийняття алгоритмічних рішень, порушення приватності та захисту персональних даних. Окрему загрозу становить поширення технологій deepfake, здатних створювати або змінювати цифрові матеріали, що ускладнює перевірку їх автентичності та достовірності.

Обґрунтовано, що результати роботи штучного інтелекту не можуть автоматично визнаватися достовірними доказами та повинні проходити належну перевірку і процесуальну оцінку. Штучний інтелект доцільно використовувати як допоміжний інструмент, який підвищує оперативність та ефективність роботи слідчих, прокурорів і експертів, але не замінює їх професійного судження. Зроблено висновок про необхідність удосконалення правового регулювання, розроблення єдиних стандартів перевірки цифрових доказів та забезпечення належного людського контролю за використанням технологій штучного інтелекту під час розслідування воєнних злочинів.

***Ключові слова:*** *штучний інтелект, воєнні злочини, цифрові докази, машинне навчання, OSINT, deepfake, цифрові технології.*



**Introduction.** Modern armed conflicts are accompanied by a significant number of war crimes, the documentation and investigation of which require new technological approaches. Establishing the circumstances in which crimes were committed, identifying the persons involved, determining the place and time of events, and collecting and properly assessing evidence present particular difficulty. A significant part of the information that may have evidentiary value exists in digital form: photo and video materials, satellite imagery, social media posts, open-source data, electronic documents, geolocation information, and other digital traces.

The constant growth in the volume of such information creates a problem of its prompt processing, systematization, and verification. Traditional methods of analysis require considerable time and human resources, which may hinder the timely establishment of the circumstances of war crimes. In this regard, artificial intelligence technologies, capable of automating certain processes of searching, classifying, comparing, and analyzing large data sets, are of particular importance.

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At the same time, the use of artificial intelligence in the investigation of war crimes gives rise to a number of legal, procedural, technical, and ethical problems. Algorithmic systems may generate erroneous or biased results, and their effectiveness directly depends on the quality and reliability of the source data. An additional danger is posed by the spread of deepfake technologies, which make it possible to create realistic falsified photo, video, and audio materials. Under such conditions, the question of establishing the authenticity of digital evidence and determining the limits of using results obtained with the help of artificial intelligence becomes especially relevant.

The problem also lies in the need to ensure a balance between the technological capabilities of artificial intelligence and the requirements of criminal procedure, human rights guarantees, the protection of personal data, and the principles of proper evidence-gathering. The absence of clear approaches to the use of algorithmic tools may lead to incorrect interpretation of the information obtained and call its evidentiary value into question.

Thus, there is a need for a comprehensive study of the possibilities of applying artificial intelligence in the investigation of war crimes, determining its practical value and risks, and developing legal and organizational mechanisms that would ensure the effective, well-founded, and controlled use of such technologies.

**The aim of the article is** a comprehensive study of the possibilities of using artificial intelligence in the investigation of war crimes, determining its advantages, risks, and prospects for improving international legal regulation.

**Literature Review.** The use of artificial intelligence in law enforcement and in the investigation of war crimes has become especially relevant in recent years. The scientific foundation of this field is formed by studies of Ukrainian scholars devoted to the application of artificial intelligence technologies in forensic science, digital forensics, forensic examination, criminal proceedings, and the investigation of war crimes. Among them, it is worth highlighting the works of H. Avdieieva, V. Shevchuk, S. Matulienė, Zh. Udovenko, V. Halahan, V. Shkelebei, O. Kurman, T. Yefimenko, B. Kosokhatko, S. Holovkin, O. Kvashuk, D. Drobenko, and V. Tverdokhlib, which address various aspects of the use of modern digital technologies in law enforcement and in proving criminal offenses.



At the same time, this issue is also being actively studied by foreign researchers. In particular, L. Freeman, K. Aksamitowska, M. Dalar, A. Koenig, E. Irving, Y. McDermott, D. Murray, F. D'Alessandra, and K. Sutherland examine the opportunities and risks of applying artificial intelligence and other new technologies in the investigation of international and war crimes. Their works pay particular attention to the use of digital evidence, open-source intelligence (OSINT), automated analysis of large data sets, the reliability and admissibility of digital information, algorithmic bias, and the ethical and human rights aspects of applying new technologies. This gives grounds to regard the use of AI in the investigation of war crimes as a complex interdisciplinary problem situated at the intersection of forensic science, criminal procedure, digital technologies, and international criminal law.

**Results and Discussion.** Modern armed conflicts are accompanied by the formation of significant volumes of digital information that may have evidentiary value in the investigation of war crimes. Such materials include photo and video recordings, satellite imagery, social media posts, electronic documents, geolocation data, metadata, and other digital traces. In this regard, digital technologies are gradually becoming an important tool for documenting and investigating international crimes.

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The development of digital technologies significantly influences modern approaches to the investigation of criminal offenses, in particular war crimes. In conditions of armed conflict, a significant part of the information about events, victims, possible offenders, and the consequences of hostilities is generated in the digital environment. Photo and video recordings, social media messages, satellite imagery, electronic documents, geolocation data, metadata, and other digital traces may be of essential importance for establishing the factual circumstances of international crimes. At the same time, the enormous volume of such information creates a problem of its timely collection, systematization, verification, and analysis [8, p. 57].

In this context, artificial intelligence acquires particular importance as a modern tool of forensic activity. S. Matulienė, V. Shevchuk, and J. Baltrūnienė, in their study "Artificial Intelligence in the Activities of Law Enforcement and Justice Bodies: Ukrainian and European Experience," analyze current problems of applying artificial intelligence technologies in the activities of law enforcement and justice bodies, in particular under martial law. The authors emphasize the promise of using AI in forensic science, digital forensics, forensic examination, and work with digital evidence. In their view, the use of digital technologies to increase the effectiveness of investigating war crimes and cybercrimes becomes especially relevant [6, p. 19]. In our opinion, the use of artificial intelligence in forensic activity should be regarded not only as a means of automating individual processes, but as a tool capable of qualitatively transforming approaches to the collection, analysis, and evaluation of forensically significant information. This is especially true of the investigation of war crimes, where a significant volume of digital data, photo and video materials, satellite imagery, social media messages, and other open sources requires prompt processing. At the same time, the use of AI should not lead to the automatic replacement of the professional judgment of an investigator, prosecutor, or expert. Results obtained with the help of artificial intelligence algorithms should be regarded as an auxiliary tool that requires verification, critical assessment, and, where necessary, confirmation by other evidence. It is precisely the combination of the technological capabilities of AI with the professional knowledge and experience of authorized actors that, in our opinion, is the most promising model of its use in forensic activity.



The authors also draw attention to the need to harmonize Ukrainian legislation with European standards in the field of artificial intelligence. In their view, the use of the relevant technologies in the activities of law enforcement and justice bodies should be carried out in compliance with the principles of the rule of law, human rights, equality, proportionality, transparency, impartiality, and fairness [6, pp. 20–21]. At the same time, artificial intelligence should not be regarded as a replacement for human professional activity, but should be used primarily to optimize it. This approach is fundamentally important in the investigation of war crimes, where any algorithmic conclusion must be subject to professional verification and procedural assessment.

Foreign researchers likewise regard artificial intelligence as a promising tool for investigating international crimes. In particular, Lindsay Freeman, in her work "Weapons of War, Tools of Justice: Using Artificial Intelligence to Investigate International Crimes," draws attention to the fact that the integration of artificial intelligence into modern military systems leads to a significant increase in the number of digital traces left on the battlefield. Sensor systems, digital devices, surveillance equipment, and other technologies create new sources of information that can potentially be used in the investigation of war crimes [2, p. 36].

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The significance of the positions expressed by L. Freeman lies in the fact that artificial intelligence can be used not only as a means of analyzing already collected evidence, but also as a tool that helps to identify new connections between digital data. With the help of algorithmic analysis, it is possible to cross-reference information on time, place, objects, vehicles, persons, and other circumstances of an event. This allows the investigator to formulate versions of the development of events more quickly and to determine directions for further investigation [2, pp. 44–45].

One of the most important applications of AI is the automated analysis of large volumes of information. In war crimes cases, the amount of digital material may be so large that processing it fully by traditional methods would require a great deal of time and personnel. Artificial intelligence systems are capable of performing primary sorting of information, classifying documents, finding the necessary fragments of video recordings, recognizing objects in images, and identifying interconnections between different data sets.

Directly related to this is the use of computer vision and image recognition technologies. Such technologies can be used to analyze photo and video materials and to detect military equipment, vehicles, buildings, distinctive terrain features, the consequences of infrastructure destruction, and other items that may have evidentiary value. However, automated identification should be regarded only as a preliminary result that requires further verification by a specialist.

Satellite and geospatial data play a separate role. Their use makes it possible to obtain information about territories to which direct access for investigators may be impossible due to ongoing hostilities or other security threats. Jessica Peake notes that satellite images and geospatial analysis can be used to monitor troop movements, study the consequences of attacks, and obtain information about events in hard-to-reach areas [8, p. 58].



Working with open-source information **(OSINT)** is an important area. Social media, video-hosting platforms, websites, satellite maps, and other public information resources may contain information about the place, time, and nature of military events. AI can assist in searching for and systematizing such information by keywords, geographic coordinates, dates, names, and other parameters.

The methodological basis for conducting such investigations is the Berkeley Protocol on Digital Open Source Investigations, developed by the Human Rights Center at the University of California, Berkeley, in cooperation with the Office of the United Nations High Commissioner for Human Rights. The Protocol establishes professional standards for the identification, collection, preservation, verification, and analysis of digital open-source information in cases involving violations of international criminal law, humanitarian law, and human rights [3].

The use of AI in the field of OSINT is of particular importance in the context of the war in Ukraine. The Berkeley Human Rights Center states that the Berkeley Protocol is already being used by Ukrainian prosecutors to document Russian war crimes. This demonstrates the practical significance of standardized methods of working with digital information when documenting international crimes [3].

At the same time, digital information cannot be automatically considered reliable merely because it was obtained from an open source. Alexa Koenig and Ulic Egan draw attention to the fact that the use of digital open sources in international investigations requires consideration of issues of context, ethics, privacy, consent, and the possible impact of the method of collecting information on victims [4, pp. 62, 72, 76].

The problem of the reliability of digital materials is especially exacerbated by the development of technologies for generating and modifying content with the help of AI. This

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refers, in particular, to deepfakes — technologies that make it possible to create realistic photo, video, and audio materials that may not correspond to real events. In such conditions, even visually convincing material cannot automatically be considered reliable evidence.

Jessica Peake emphasizes that the reliability of digital information is increasingly being called into question due to targeted disinformation campaigns and the possibility of manipulating media content with the help of artificial intelligence. The author also draws attention to the problems of establishing the **chain of custody** of digital evidence and its admissibility in international criminal proceedings [4, pp. 58–59]. In this context, the concept of chain of custody, that is, the documentation of all stages of obtaining, transferring, storing, and processing evidentiary information, becomes important. If a digital file has been altered, its origin has not been established, or the procedure for obtaining it has not been recorded, this may call its evidentiary value into question. For this reason, the use of AI to analyze digital evidence must be combined with proper procedures for its preservation and documentation.

The problem of scaling digital investigations is also considered by Alexa Koenig, Emma Irving, Yvonne McDermott, and Daragh Murray. The scholars note that new technologies create significant opportunities for building timelines of events, aggregating disparate information, and establishing connections between persons, events, and evidence. At the same time, the so-called "problem of scale" arises - the need to process enormous data sets that a human cannot handle quickly enough on their own [5, pp. 3–4].

It is here that artificial intelligence may have the greatest practical value. Algorithms can perform primary searches in large data sets and identify information that is potentially relevant to the investigation. For example, AI can help identify all video recordings in which a certain object appears, find posts related to a specific location, or cross-reference information about several events. However, the final decision on the evidentiary value of such information must be made by a human.



Algorithmic bias is a substantial risk. Yvonne McDermott and other authors draw attention to the problem of human and machine bias in the use of open information in international criminal investigations [7, pp. 86–88]. If a system's training data are incomplete or biased, the algorithm may reproduce the corresponding errors. For the investigation of war crimes, this is particularly dangerous, since the misidentification of a person or event may affect the further course of criminal proceedings.

Another risk is the opacity of algorithmic decisions. Where the user cannot establish why the system reached a particular conclusion, problems arise with the verifiability and reproducibility of the result. In criminal proceedings this is especially important, since the defense must be able to challenge evidence and to reasonably call into question the manner of its obtaining and assessment.

F. D'Alessandra and K. Sutherland, analyzing the role of new technologies in international justice, emphasize the importance of technological tools for collecting, systematizing, analyzing, and preserving evidence of international crimes. At the same time, the researchers draw attention to the need to develop international standards and good practices that would make it possible to ensure the effective and lawful use of digital technologies in the processes of establishing responsibility [1, pp. 9–10].

The use of artificial intelligence must also take into account human rights and ethical requirements. Matulienė, Shevchuk, and Baltrūnienė emphasize the need to observe the principles of the rule of law, respect for human dignity, equality, proportionality,

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transparency, impartiality, and fairness when using AI in law enforcement and justice bodies [6, pp. 12–13].

This means that the use of algorithms for facial recognition, analysis of communications, geolocation data, or other personal information must have proper legal justification. It is necessary to ensure a balance between the needs of the investigation and the individual's right to privacy and protection of personal data.

The question of the limits of automation of the investigation process is especially important. Artificial intelligence may perform searching, classification, and primary analysis, but it must not independently determine a person's guilt. Matulienė, Shevchuk, and Baltrūnienė expressly state that artificial intelligence is not capable of fully replacing a judge, and its use should contribute to optimizing human professional activity [6, pp. 42–43]. A similar approach is appropriate at the pre-trial investigation stage: the algorithm should assist the investigator, but not make legally significant decisions in their place. In our opinion, this approach can be fully extended to forensic activity as well: it is advisable to use AI for technically complex and resource-intensive operations, whereas the final assessment of evidence, the establishment of factual circumstances, and the adoption of procedural decisions must remain with a human. Such a division of functions makes it possible to combine the advantages of automated information processing with the professional experience of the investigator, prosecutor, expert, or judge, while ensuring an appropriate level of procedural safeguards.

In view of this, it is advisable to identify the main areas of using artificial intelligence in the investigation of war crimes:

1. automated analysis of photo and video materials;
2. recognition of persons, vehicles, military equipment, and other objects;
3. analysis of satellite and geospatial data;
4. search for and systematization of information from open sources;
5. automated processing of text documents and testimonies;
6. transcription and translation of audio and video materials;
7. establishing connections between persons, objects, and events;
8. detection of possible manipulations of digital materials;
9. building temporal and spatial models of the development of events;
10. primary classification and prioritization of large sets of digital information.



At the same time, the main risks are algorithmic errors, bias of systems, insufficient transparency of algorithms, manipulation of digital materials, the spread of deepfakes, problems of authenticity and integrity of evidence, violations of privacy, and the possibility of excessive trust by the investigator in the result of automated analysis. A comparison of the risks of applying AI is presented in Table 1.

**Table 1**

| Criteria | Traditional approach | Use of AI | Main risk | Optimal model |
|---|---|---|---|---|
| Information processing | Mostly manual | Automated and fast | Overload or algorithm errors | AI + investigator |
| Video analysis | Review by a human | Automatic object recognition | False identification | AI + expert |

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|---|---|---|---|---|
| Satellite data analysis | Manual comparison | Automated change detection | Incorrect interpretation | AI + geospatial analyst |
| OSINT | Manual search | Scalable search | Disinformation and fakes | AI + verification |
| Document analysis | Manual reading | Automatic search and classification | Loss of context | AI + investigator |
| Establishing connections | Analytical work of the investigator | Automatic data cross-referencing | False correlations | AI + forensic specialist |
| Verification of digital evidence | Expert verification | Automatic anomaly detection | Deepfakes and manipulations | AI + expert examination |
| Making procedural decisions | Human | May provide recommendations | Excessive automation | Decision by a human only |

**Comparative Characteristics of the Capabilities and Risks of Applying AI in the Investigation of War Crimes**



An analysis of the data in Table 1 shows that the use of artificial intelligence in the investigation of war crimes has significant potential for increasing the effectiveness of pre-trial investigation bodies. The most promising areas are automated analysis of large volumes of digital information, examination of photo and video materials, satellite imagery, OSINT materials, geolocation, analysis of audio recordings, and establishing interconnections between individual pieces of evidence. At the same time, each of the technological capabilities is accompanied by corresponding risks, among which algorithmic bias, misidentification, the spread of deepfakes, unreliability of digital information, and violation of the right to privacy are of particular importance.

**Conclusions.** Artificial intelligence is gradually becoming one of the key tools of modern international criminal justice. Its application significantly increases the effectiveness of documenting war crimes, shortens the time needed to analyze evidence, provides automated processing of large volumes of information, and facilitates the establishment of the facts of international crimes. At the same time, the use of AI technologies cannot be regarded as a full replacement for the activities of investigative bodies or the court. Automated systems must perform an auxiliary function, and the final decision on the assessment of evidence must be made by a human, in compliance with the principles of legality, fairness, judicial independence, and respect for human rights.

The further development of international criminal justice will require the creation of unified international standards for the use of artificial intelligence that will ensure a balance between the technological capabilities of digital systems and the fundamental guarantees of a fair trial.

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