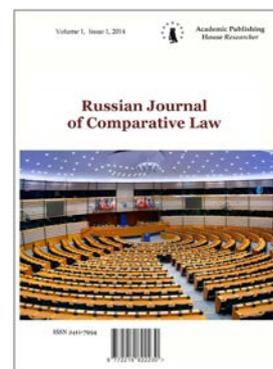


Copyright © 2016 by Academic Publishing House *Researcher*



Published in the Russian Federation  
Russian Journal of Comparative Law  
Has been issued since 2014.  
ISSN 2411-7994  
E-ISSN 2413-7618  
Vol. 8, Is. 2, pp. 95-101, 2016

DOI: 10.13187/rjcl.2016.8.95  
<http://ejournal41.com>



UDC 341.4

### **International Humanitarian Law and Legal Status of Personnel in Private Military Companies as Participants in the Internal Armed Conflicts**

Nicolay L. Shelukhin

The Donetsk People's Republic  
Donetsk, pr. Bohdan Khmelnytsky, d. 102  
LL.D., professor  
E-mail: shelukhin2004@inbox.ru

#### **Abstract**

The article is devoted to the legal status of personnel of private military companies participating in the internal (regional) armed conflict in the east of Ukraine as part of its military formations. The article grounds the necessity of introducing a clarified concept of "mercenary" and reworded concept of "foreign volunteers" in the regulations of international humanitarian law. This article has analyzed the world experience in the field of legislative regulation of activities by private military companies. Its non-legal nature in the structure of the foreign policy activities of different states has been defined. Tendencies of expanding the scope of private military companies activities have been studied. It includes the creation of hired military units, peacekeeping, participation in domestic armed conflicts, the suppression of armed uprisings, terrorism, etc. The necessity of forming national legislation regulating the activities of private military companies has been proved.

**Keywords:** international humanitarian law; internal armed conflict; mercenary; foreign volunteer; private military companies; legal regulation; contractual relations.

#### **Introduction**

In recent years one can notice an increased scientific interest in the problems of the legal status of participants in the internal armed conflict, as evidenced by the numerous printed works both of scientific and socio-political nature. Dissertation and monographic studies by several authors can be called a significant contribution to the study of the legal aspects of the status of parties to the armed conflict, among them O.J. Moliboga [1], Osipov K.L. [2], Ternovaya L.O. [3], Adelkhanyan R.A. [4], Shandieva N.O. [5], Naden O.V. [6], Loiko O.M. [7], Batrimenko O.V. [8], Korotkiy F.V. [9], Repeshko P.I. [10], Skrilnik E.A. [11] and others.

However, it appears that the designated topic is still poorly examined. First, various aspects of such a complex and multifaceted problem, as the legal status of members of regional armed conflicts, were not considered or did not get enough coverage. Second, in the framework of this topic there is still a lot of controversial issues. Third, among the modern works devoted to the problem of the status of parties to internal armed conflicts, the focus is only on its certain content and functionality features.

Systemic approaches appear to be no less significant and that will not only allow to rethink and deepen the theoretical knowledge about the status of participants in regional armed conflicts, but also to formulate practical recommendations to legislators and enforcers on this scientific foundation. In addition, today the situation in the world has changed and that requires rethinking of many ethical, moral and criminal law issues, among which one should name the problem of the legal status of participants in regional armed conflicts.

All of the above demonstrates the need for further development of the subject across the whole spectrum of the identified problems.

### **Materials and methods**

The work was done on the materials of the international practice of hiring private military companies for the solution of challenges of international and national character. The regulatory framework governing the bilateral relations of the military conflict was fully considered. The method of comparative analysis of different countries' legislation was applied.

### **Discussion**

#### *1. International humanitarian law on the legal status of foreigners involved in the armed conflict*

International humanitarian law (hereinafter – IHL) was codified in the Hague Conventions, the Geneva Conventions on the Protection of War Victims of 1949 and their Protocols Additional of 1977, the UN General Assembly resolutions and other documents. Certain restrictions imposed by international humanitarian law are applied to armed conflicts of an internal nature.

The results of previously conducted studies of armed conflicts suggest that they involve persons with unclear legal status. Trying to divide members of internal armed conflicts in accordance with international humanitarian law is not possible due to difference in singled out elements of the legal status of participants in international armed conflicts in international conventions. Thus, the acts of aggression of one state against the other one were identified by the UN General Assembly Resolution 3314 of 14 December 1974 defined by [12]. Regarding the conflict in Ukraine we introduce a restriction: we do not consider the legal status of participants of the internal (regional) armed conflict in the Donbass region in accordance with the "Regulations on the Laws and Customs of War on Land" because, by definition, they are members of the armed forces of one of the parties to the international armed conflict [13]. De jure, the antiterrorist operation in the Donbass (hereinafter – ATO) is not an international armed conflict, because Ukraine did not declare itself at war with the Russian Federation and did not introduce the martial law.

We consider it necessary to note that according to the rules of international humanitarian law, upon the occurrence of state of war the state provides opportunity for citizens of an enemy state, enjoying diplomatic immunity, to leave its territory as soon as possible. For other citizens of an enemy state (without immunity), restrictions on the freedom of movement up to internment can be applied [12; 23. p. 59].

The participants of the IHL of international armed conflicts are indicated with terms: combatants, non-combatants and mercenaries. Therefore, almost all the previously conducted research concerned the legal status of persons in the foregoing categories. In accordance with Article 1 of the "Regulations on the Laws and Customs of War on Land", the military laws, rights and obligations are applied not only to armies, but, under certain conditions, to militia and volunteer corps [13]. Article 43 on "The Armed Forces" of Protocol Additional I to the Geneva Conventions relating to the Protection of Victims of International Armed Conflicts (1977) defines the composition of the armed forces of a Party to the conflict. Persons belonging to the armed forces of this party are combatants, that is, they have the right to participate directly in hostilities [14]. For non-combatants are persons belonging to the armed forces, but their functions are confined to the care and maintenance of combat operations of the armed forces, and who have the right to use weapons only in self-defense (military quartermasters, lawyers, reporters, the clergy). Article 47 of the Protocol Additional I defines mercenaries [14]. Let's make a reservation: this definition does not meet today's realities due to the absence of a number of legal definitions and interpretations of ambiguous expressions which reveal the concept of "mercenary". The lag in Legal

Studies of internal (regional) military conflicts from the real events occurring in their area [1] may be called another reason.

The IHL also has no clear distinction between the concepts of "mercenary" and "foreign volunteers". In addition as for the motives of their actions, it is difficult to draw a distinction between mercenaries, foreign volunteers and instructors of private military companies (hereinafter - PMCs), because they receive material compensation for all their activities. Therefore, in our opinion there is a need for a legal assessment of new developments in mercenary activities: taking on and recruitment of mercenaries by such companies that provide the power, expertise, security support on a commercial basis, and the recruitment of mercenaries via the media and the Internet. It is necessary to determine the status of these organizations, both at international and national level. Some aspects of their work (providing security services and military actions) are consistent with international law, the other (recruitment of mercenaries and active military intervention in armed conflicts) violate it.

Unfortunately, scientists and experts in the field of IHL cannot find a common approach to the concept definition of "mercenary" and "foreign volunteers". These concepts are treated by each side of the internal armed conflict with its own point of view. As a rule each party alleges it has "foreign volunteers" participating in the fighting while the opposing side uses "mercenaries." In our opinion, the problem of the concept specification of "mercenary" and formulation of the concept of "foreign volunteers" can be solved only with a comprehensive study of these phenomena from the perspective of law, sociology, political science and psychology. Initially it is necessary to make amendments to the regulations of international humanitarian law as for the specified concept of "mercenary" and the reworded concept of "foreign volunteer", and then distribute them to the level of national legislation. To carry out this urgent and significant work we propose to create an international commission to amend the Protocol Additional to the Geneva Conventions of 12 August 1949 (Protocol I), Geneva, 8 June 1977, clarifying Article 47 "Mercenaries" and adding Article 48 "Foreign volunteers".

## *2. The personnel of private military companies*

As a rule, employees of private military companies are present in the area of regional armed conflicts and they take part in the hostilities in the framework of the agreement between the PMC and the parties to the conflict. PMC (Private military company) is a commercial company that offers specialized services related to participation in armed conflict or military operations, as well as the collection of intelligence, strategic planning, logistics and counseling; the rights and obligations of the parties in the services provided are negotiable.

According to the UN the world volume of services in this area is \$120 billion, Brooklyn University assesses it in \$180 billion. And during the conflict in the Middle East and Africa private military services market exceeded \$200 billion. The development of such "dangerous" segment is favored not only by the military operations, but also the internationalization of large businesses. Thus many companies (including Russia) with subsidiaries or joint ventures in Libya, Iraq, Afghanistan and African countries are forced to create their own paramilitary security structures or attract foreign mercenaries. There are more than 3 thousand similar firms in the world according to the US Congress. And this figure will only increase [15].

Private military companies can be divided into three types:

- 1) military service company (military provider company) - they directly participate in combat operations;
- 2) consulting companies (military consulting company) - they participate in the reform of the armed forces, train army units, train to handle new types of weapons;
- 3) logistics companies (military support company) – they are engaged in logistic support troops, military construction, maintenance of complex weapons systems.

The advantages of PMCs as to the regular armed forces should be attributed to the following: a) their use does not cause any discontent of Western European inhabitant, which may be caused by application of the regular armed forces; b) they can be a counterweight to the local military in the states with weak political institutions; c) they are capable of rapid deployment; d) losses of personnel are not counted in official government reports; e) more flexible operational management; f) no bureaucracy; g) high level of professionalism as compared to the regular troops [15].

At the same time, private military companies form ambiguous attitude to them and the cause of which is: abuse of their employees to the civilian population, terms of the staff contracts with companies do not provide all the options for the development of the situation, which reduces the flexibility of their actions in a combat situation; the lack of an agreed plan of arrangements and a single operational centre of command of troops and private military companies; the lack of data exchange and incomplete data of operation nature.

According to available information, only one company, Omega Consulting Group, legally provides services of this nature in Ukraine. It presents itself as a leading provider in the global market of private military and security business and offers customers a wide range of specialized services focused mainly on the organization and integrated management of large business projects in Ukraine and abroad [16].

The issue of normative and legal regulation of the provision of services to such specialized enterprises remained unresolved for a long time. Only on 06 October 2008 the sixty-third session of the UN General Assembly examined an informal summary of the Montreux Document prepared by Switzerland, which contained rules and principles of activity of private military and security companies in the zones of military conflicts. By 01 August 2012 this document was signed by 42 states of the world as well as by the European Union. The Montreux Document has the notion of 'private military and security companies' as private enterprise entities providing military or security services irrespective of that how they characterize themselves. The services include: armed security and protection of people and objects, maintenance and operation of fighting complexes, taking into custody of prisoners, consulting and training of local servicemen and security men [17]. On the base of the Montreux Document with participation of governmental experts from different countries of the world, as well as from Ukraine, it was developed and in November 2010 opened for signing in Geneva the international code of behavior of private military companies providing services in the sphere of security (International Code of Conduct of Private Security Service Providers (ICoC), to which 789 PMC from 74 countries joined by 1 August 2015. The existing juridical obligations of the states, private military companies and their personnel were declared in the Code. In addition the practical methods of assistance to observation of norms of international humanitarian law and standards in the sphere of human rights at the period of armed conflicts were recommended to the states. This document represents the code of rules proceeding from the norms of international law, human rights which are recommended to follow for the personnel during rendering military services. The code is not legally binding and does not touch upon the existing obligations of the states in the common international law or the international agreements, which members they are, in particular, their obligations according to the Charter of the United Nations, however, it was recognized as the first international document regulating some aspects of rendering military services [18].

Only in two countries there were created schemes which regulate the activity of PMC on the level of states (in the US and the SAR). In the US the sale of military services is regulated by the Arms Export Control Act [19], according to which every private military company is obliged to receive the license for the work abroad in the State Department. In case of license received, it may control the activity of the firm on the fulfillment of the contract. Moreover, transactions, which value exceed \$50 mln. are subject to the Congress approval. In the SAR the activity of PMC is licensed by the National Committee on the control over conventional arms according to the Foreign Military Assistance Act 1998 (Act on mercenaries) [20].

The outdated UK Foreign Enlistment Act, 1870 is valid in England up to present [21]. In 2002 the British government sent to the Parliament for discussion as a law a concept of PMC licensing schemes creation ("Private military companies: options for regulation") having published it in the so-called "Green Paper" [22]. However, this law has not been adopted yet.

In the modern era of globalization there is a tendency of increase of the range and quality of services provided by private military companies. These services include:

- creation of mercenary military forces. For example, the government of the United Arab Emirates has signed a contract with one of the PMCs for the formation of a foreign mercenary battalion;
- peacekeeping engagement of PMC. In the media space there were proposals for deployment anywhere in the world of a fully equipped with heavy machinery and attack aircraft peacekeeping brigade;

- use of private military companies in regional armed conflicts;
- engagement of private military companies to combat unrest inside a state, suppress armed insurgency warfare, fight against terrorism, etc.

### Results

Thus, today PMCs act as a non-legal tool of external policy of states. This tool should be defined and described according to legal standards. The market of services provided by PMCs is subject to state regulation.

Absence of legislative regulation of PMCs in Ukraine does not allow to give an unambiguous assessment of the legal status of the personnel of these companies – participants of the ATO. In our view, national legal assessment of new trends in regional military conflicts is necessary – recruitment and employment of personnel by private military companies providing services of force, expert and security nature on a contractual basis. We think it is advisable to determine the status of such organizations legislatively at the national level; the issues related to licensing and control of PMCs and their personnel should be resolved, with differentiation of social and civil status of PMCs personnel when providing services to the state (for example, if PMC representative who fought for money deserves a state award?). It is the necessity of defining the legal framework for this type of complex activity (economic, military and political) that determines adoption of the law on private military companies in Ukraine.

### Conclusion

In our opinion, it is necessary to initiate the establishment of an International Commission to clarify the concept of "a mercenary" and the wording of "a foreign volunteer". Clarification of Article 47 "Mercenaries" of the Protocol Additional to the Geneva Conventions of 12 August 1949, Geneva, 8 June 1977 and Supplement Article 48 "Foreign volunteers" will be the result of the international commission work. States use private military companies as a non-legal tool in foreign policy. The market of services by private military companies is to be subject to state regulation. Absence of legislative regulation of such companies activity in Ukraine does not allow to give an unambiguous assessment of the legal status of their personnel engaged in the ATO. The problem of defining the legal framework for this type of activity necessitates the adoption of the Law of Ukraine "On Private Military Companies."

### Примечания:

1. Молибога О.Ю. Уголовная ответственность за наемничество: дис. ... канд. юрид. наук: 12.00.08. Ставрополь, 2000. 194 с.
2. Осипов К.Л. Ответственность за наемничество по российскому уголовному законодательству: дис. ... канд. юрид. наук: 12.00.08. Кисловодск, 2003. 178 с.
3. Терновая Л.О. Наемничество как элемент «гибридных войн» // «Гибридные войны» в хаотизирующемся мире XXI века / Под ред. П. А. Цыганкова. М.: Издательство Московского университета, 2015. - 384 с.
4. Адельханян Р.А. Военные преступления как преступления против мира и безопасности человечества: автореф. дис. ... д-ра юрид. наук: 12.00.08. Москва, 2003. 56 с.
5. Шандиева Н.О. Наемничество по международному и национальному уголовному праву: автореф. дис. ... канд. юрид. наук: 12.00.08. М., 2004. 23 с.
6. Наден О.В. Найманство як соціальне та кримінально-правове явище: сутність, новітні тенденції розвитку та проблеми протидії: монографія. К.: Атіка, 2005. 264 с.
7. Лойко О.М. Исторична необхідність формування сучасної професійної армії України: автореф. дис. ... канд. іст. наук: 20.02.22. Львів, 2005. 20 с.
8. Батрименко О.В. Особливості сучасних збройно-політичних конфліктів: автореф. дис. ... канд. політ. наук: 23.00.02. Київ, 2006. 18 с.
9. Короткий Ф.В. Наемничество: уголовно-правовые и криминологические аспекты: автореф. дис. ... канд. юрид. наук: 12.00.08. Екатеринбург, 2009. 32 с.
10. Репешко П.І. Найманство: монографія. Херсон: Олді-плюс, 2010. 372 с.
11. Скрильник О.О. Міжнародно-правова регламентація боротьби з найманством: автореф. дис. ... канд. юрид. наук: 12.00.11. Київ, 2010. - 21 с.

12. Определение агрессии. Утверждено резолюцией 3314 (XXIX) Генеральной Ассамблеи от 14 декабря 1974 года // [http://www.un.org/ru/documents/decl\\_conv/conventions/aggression.shtml](http://www.un.org/ru/documents/decl_conv/conventions/aggression.shtml)

13. Положения о законах и обычаях сухопутной войны. 4-я Гаагская Конвенция 18 октября 1907 года // <http://www.memo.ru/pravo/hum/haag07-1.htm>

14. Дополнительный протокол к Женевским конвенциям от 12 августа 1949 года (протокол I). Женева, 8 июня 1977 года // <https://www.icrc.org/rus/resources/documents/misc/treaties-additional-protocol-1.htm>

15. Частные армии на \$200 млрд. Деловой журнал РБК // <http://magazine.rbc.ru/2011/05/01/main/562949980354228.shtml>

16. Коновалов И.П. Эволюция частных военных компаний / И.П. Коновалов, О.В. Валецкий. Пушкино: Центр стратегической конъюнктуры, 2013. 136 с.

17. Шелухин А.Н. Частные военные компании, как субъект предоставления охранных услуг: понятие и правовое регулирование // Экономика, социология и право. 2013. № 1. С.267-276

18. Генеральная Ассамблея Шестьдесят седьмая сессия Пункт 81 предварительного перечня «О состоянии Дополнительных протоколов к Женевским конвенциям 1949 года, касающихся защиты жертв вооруженных конфликтов» Distr.: General 16 February 2012 Russian Original // [http://repository.un.org/bitstream/handle/11176/16764/A\\_67\\_63-RU.pdf?sequence=5&isAllowed=y](http://repository.un.org/bitstream/handle/11176/16764/A_67_63-RU.pdf?sequence=5&isAllowed=y)

19. Control of arms exports and imports. U.S. Code § 2778 / Официальный сайт юридического факультета Корнельского университета [Электронный ресурс] – Режим доступа: <https://www.law.cornell.edu/uscode/text/22/chapter-39>

20. Regulation of Foreign Military Assistance Act // <http://www.gov.za/documents/regulation-foreign-military-assistance-act>

21. The Foreign Enlistment Act 1870 // <https://translate.google.com.ua/translate?hl=ru&sl=en&u=http://www.legislation.gov.uk/ukpga/Vict/33-34/90/contents&prev=search>

22. Private Military Companies: options for Regulation 2001-2002. Green Paper // [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/228598/0577.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/228598/0577.pdf)

### References:

1. Moliboga O.Yu. Ugolovnaya otvetstvennost' za naemnichestvo: dis. ... kand. jurid. nauk: 12.00.08. Stavropol', 2000. - 194 s.

2. Osipov K.L. Otvetstvennost' za naemnichestvo po rossiiskomu ugolovnomu zakonodatel'stvu: dis. ... kand. jurid. nauk: 12.00.08. Kislovodsk, 2003. - 178 c.

3. Ternovaya L.O. Naemnichestvo kak element «gibridnykh voin» // «Gibridnye voiny» v khaotiziruyushchemsya mire KhKhI veka / Pod red. P. A. Tsygankova. M.: Izdatel'stvo Moskovskogo universiteta, 2015. - 384 s.

4. Adel'khanyan R.A. Voennye prestupleniya kak prestupleniya protiv mira i bezopasnosti chelovechestva: avtoref. dis. ... d-ra jurid. nauk: 12.00.08. M., 2003. - 56 s.

5. Shandieva N.O. Naemnichestvo po mezhdunarodnomu i natsional'nomu ugolovnomu pravu: avtoref. dis. ... kand. jurid. nauk: 12.00.08. Moskva, 2004. - 23 s.

6. Naden O.V. Naimanstvo yak sotsial'ne ta kriminal'no-pravove yavishche: sutnist', novitni tendentsii rozvitku ta problemi protidii: monografiya. K.: Atika, 2005. - 264 s.

7. Loiko O.M. Istorichna neobkhidnist' formuvannya suchasnoi profesiinoi armii Ukraïni: avtoref. dis. ... kand. ist. nauk: 20.02.22. L'viv, 2005. - 20 s.

8. Batrimenko O.V. Osoblivosti suchasnikh zbroino-politichnikh konfliktiv: avtoref. dis. ... kand. polit. nauk: 23.00.02. Kiïv, 2006. - 18 s.

9. Korotkii F.V. Naemnichestvo: ugolovno-pravovye i kriminologicheskie aspekty: avtoref. dis. ... kand. jurid. nauk: 12.00.08. Ekaterinburg, 2009. - 32 s.

10. Repeshko P.I. Naimanstvo: monografiya. Kherson: Oldi-plyus, 2010. - 372 s.

11. Skril'nik O.O. Mizhnarodno-pravova reglamentatsiya borot'bi z naimanstvom: avtoref. dis. ... kand. jurid. nauk: 12.00.11. Kiïv, 2010. - 21 s.

12. Opredelenie agressii. Utverzhdeno rezolyutsiei 3314 General'noi Assamblei ot 14 dekabrya 1974 goda // [http://www.un.org/ru/documents/decl\\_conv/conventions/aggression.shtml](http://www.un.org/ru/documents/decl_conv/conventions/aggression.shtml)

13. Polozheniya o zakonakh i obychayakh sukhoputnoi voiny. 4-ya Gaagskaya Konventsiya 18 oktyabrya 1907 goda // <http://www.memo.ru/pravo/hum/haag07-1.htm>
14. Dopolnitel'nyi protokol k Zhenevskim konventsiyam ot 12 avgusta 1949 goda (protokol I). Zheneva, 8 iyunya 1977 goda // <https://www.icrc.org/rus/resources/documents/misc/treaties-additional-protocol-1.htm>
15. Chastnye armii na \$200 mlrd. Delovoi zhurnal RBK // <http://magazine.rbc.ru/2011/05/01/main/562949980354228.shtml>
16. Konovalov I.P. Evolyutsiya chastnykh voennykh kompanii / I.P. Konovalov, O.V. Valetskii. Pushkino: Tsentr strategicheskoi kon'yunktury, 2013. - 136 s.
17. Shelukhin A.N. Chastnye voennye kompanii, kak sub"ekt predostavleniya okhrannykh uslug: ponyatie i pravovoe regulirovanie // Ekonomika, sotsiologiya i pravo. 2013. № 1. S. 267-276.
18. General'naya Assambleya Shest'desyat sed'maya sessiya Punkt 81 predvaritel'nogo perechnya «O sostoyanii Dopolnitel'nykh protokolov k Zhenevskim konventsiyam 1949 goda, kasayushchikhsya zashchity zhertv vooruzhennykh konfliktov» Distr.: General 16 February 2012 Russian Original // [http://repository.un.org/bitstream/handle/11176/16764/A\\_67\\_63-RU.pdf?sequence=5&isAllowed=y](http://repository.un.org/bitstream/handle/11176/16764/A_67_63-RU.pdf?sequence=5&isAllowed=y)
19. Control of arms exports and imports. U.S. Code § 2778 // <https://www.law.cornell.edu/uscode/text/22/chapter-39>
20. Regulation of Foreign Military Assistance Act // <http://www.gov.za/documents/regulation-foreign-military-assistance-act>
21. The Foreign Enlistment Act 1870 // <https://translate.google.com.ua/translate?hl=ru&sl=en&u=http://www.legislation.gov.uk/ukpga/Vict/33-34/90/contents&prev=search>
22. Private Military Companies : options for Regulation 2001-2002. Green Paper // [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/228598/0577.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/228598/0577.pdf)

УДК 341.4

### **Международное гуманитарное право и правовое положение персонала частных военных компаний, как участников внутренних военных конфликтов**

Николай Леонидович Шелухин

Донецкая Народная Республика  
83015 г. Донецк, пр. Богдана Хмельницкого, д. 102, оф. 815  
Доктор юридических наук, профессор  
E-mail: shelukhin2004@inbox.ru

**Аннотация.** Статья посвящена правовому положению сотрудников частных военных компаний, принимающих участие во внутреннем (региональном) военном конфликте на востоке Украины в составе ее воинских формирований. Обоснована необходимость внести уточненное понятие «наемник» и вновь сформулированное понятие «иностранец-доброволец» в нормативные акты международного гуманитарного права. Проанализирован мировой опыт законодательного регулирования деятельности частных военных компаний. Определен ее внеправовой характер в структуре внешнеполитической деятельности государств. Исследованы тенденции расширения сферы деятельности частных военных компаний. В нее включены создание наемных военных формирований, миротворческая деятельность, участие во внутригосударственных вооруженных конфликтах, подавление вооруженных выступлений, борьба с терроризмом и т.п. Доказана необходимость формирования национального законодательства, регулирующего деятельность частных военных компаний.

**Ключевые слова:** международное гуманитарное право; внутренний вооруженный конфликт; наемник; иностранец-доброволец; частные военные компании; правовое регулирование; договорные отношения.