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## FEATURES OF THE IMPLEMENTATION OF MILITARY CRIMES IN THE CRIMINAL LEGISLATION OF THE AZERBAIJAN REPUBLIC

*Paper studies the features of the implementation of the norms of international humanitarian law in the legislation of the AR during non-international armed conflicts. Scrutinizing the relevant stands of Azerbaijani scientists in the filed and the lawyers from other countries, the author also expresses a critical approach to the legislation. The validity of AR legislation's approach to both international and non-international armed conflicts from the concept of the indivisibility of international humanitarian law is stated. The accuracy of AR legislation's position is also justified in terms of the principle of universal jurisdiction, and the fact that the crimes committed during armed conflicts of a non-international nature are against jus cogens norms is stated as well. It is noted that, the direction of these crimes against peremptory norms of international humanitarian law also requires that the armed conflicts are approached in the same light. Along with this, the shortcomings of the chapter called "war crimes" are mentioned. Suggestions on improvement of this chapter are made.*

**Keywords:** *International Humanitarian Law, international crimes, criminal code, International Criminal Court, universal jurisdiction.*

### REFERENCES

1. Ugolovnyiy Kodeks Azerbaydzhanskoj Respubliki. – Baku, 2016. – 464 s.
2. Sbornik mezhdunarodnyh dogovorov. – Baku, 2011. – S. 116–119.
3. Mamedov R.K. Mezhdunarodnoe ugovnoe pravo i ugovnoe zakonodatelstvo Azerbaydzhanskoj Respubliki / R.K. Mamedov. – Baku, 2012. – 312 s.
4. Samedova Sh.T. O voprose primeneniya pravovyh norm, opredelyayuschie otvetstvennost za mezhdunarodnyie prestupleniya v Ugolovnom Kodekse Azerbaydzhanskoj Respubliki / Sh.T. Samedova. – Zakonnost. – 2006. – # 6. – S. 46–60.
5. Zhenevskie Konventsii 1949 goda. – Baku, 2005. – 320 s.
6. Guseynov L.G. Mezhdunarodnaya otvetstvennost gosudarstv za narusheniya prav cheloveka: monografiya / L.G. Guseynov. – K.: Institut gosudarstva i prava NAN Ukrainyi, 2000. – 316 s.
7. Samedova Sh.T. Differentsiatsiya otvetstvennosti za mezhdunarodnyie prestupleniya mezhdunarodnogo haraktera v ugovnom prave Azerbaydzhanskoj Respubliki: monografiya / Sh.T. Samedova. – Baku: Qanun, 2013. – 264 c.
8. Safarov N.A. Presledovanie mezhdunarodnyh prestupleniy: universalnaya yurisdiksiya protiv diplomaticheskogo immuniteta / N.A. Safarov // Gosudarstvo i pravo. – 2011. – # 9. – S. 81–92
9. Safarov N.A. Ekstraditsiya v mezhdunarodnom ugovnom prave: problemyi teorii i praktiki / N.A. Safarov. – M.: VoltersKluver, 2005. – 416 s.
10. Bassiouni C.M. International Crimes: Jus Cogens and Obligatio Erga Omnes // Law and Contemporary Problems. 1996. Volume. 59. 1 4, 63-74 CriminalCodeofRGe. <https://www.matinc.gov.ge>.
11. Cassese A. International Criminal Law, 2003, p. 278.
12. Criminal Code of RBeloruss: <https://www.wipo.int/by028ru.pdf>.
13. Criminal Code Ukraine. File: //C:/Users/Home/Downloads/Ukraine\_CC\_2001\_am\_2010\_ru.pdf.
14. Evans M. International Law. Oxford. OxfordUniversityPress. 2003, p. 343.
15. Hall C. Universal Jurisdiction: New Uses for an Old Tool // Justice for Crimes Against Humanity / Ed. by M. Lattimer and P. Sands. Oxford, 2006, p. 47–72.
16. File: <https://www.UNODC.org/tldb/pdf/TAJ-Criminal>.
17. Schabas A. William. The UN International Criminal Tribunals: The Former Yugoslavia, Rwanda and Sierra Leone. Cambridge University Press. Cambridge. 2006, 766 p.
18. Schabas A. William. International Courts and Tribunals. Edward Elgar Publishing Ltd. Cheltenham. 2014, 944 p.
19. The Princeton Principles on Universal Jurisdiction. Princeton. New Jersey, 2001, 58 p. 20. Werle G, Jessberger F. Principles of International Criminal Law. Oxford. Oxford University Press. 2014, p. 403–405.

## СПИСОК ИСПОЛЬЗОВАННОЙ ЛИТЕРАТУРЫ

1. Уголовный Кодекс Азербайджанской Республики. – Баку, 2016. – 464 с.
2. Сборник международных договоров. – Баку, 2011. – С. 116–119.
3. Мамедов Р.К. Международное уголовное право и уголовное законодательство Азербайджанской Республики / Р.К. Мамедов. – Баку, 2012. – 312 с.
4. Самедова Ш.Т. О вопросе применение правовых норм, определяющие ответственности за международные преступления в Уголовном Кодексе Азербайджанской Республики / Ш.Т. Самедова. – Законность. – 2006. – № 6. – С. 46–60.
5. Женевские Конвенции 1949 года. – Баку, 2005. – 320 с.
6. Гусейнов Л.Г. Международная ответственность государств за нарушения прав человека: монография / Л.Г. Гусейнов. – К.: Институт государства и права НАН Украины, 2000. – 316 с.
7. Самедова Ш.Т. Дифференциация ответственности за международные преступления и преступления международного характера в уголовном праве Азербайджанской Республики: монография / Ш.Т. Самедова. – Баку: Qanun, 2013. – 264 с.
8. Сафаров Н.А. Преследование международных преступлений: универсальная юрисдикция против дипломатического иммунитета / Н.А. Сафаров // Государство и право. – 2011. – № 9. – С. 81–92
9. Сафаров Н.А. Экстрадиция в международном уголовном праве: проблемы теории и практики / Н.А. Сафаров. – М.: ВолтерсКлувер, 2005. – 416 с.
10. Bassiouni С.М. International Crimes: Jus Cogens and Obligatio Erga Omnes // Law and Contemporary Problems. 1996. Volume. 59. № 4, p.63-74 CriminalCodeofRGe. <https://www.matinc.gov.ge>.
11. Cassese A. International Criminal Law, 2003, p. 278.
12. Criminal Code of RBelorus: <https://www.wipo.int/by028ru.pdf>.
13. Criminal Code Ukraine. File: //C:/Users/Home/Downloads/Ukraine\_CC\_2001\_am\_2010\_ru.pdf.
14. Evans M. International Law. Oxford. OxfordUniversityPress. 2003, p. 343.
15. Hall C. Universal Jurisdiction: New Uses for an Old Tool // Justice for Crimes Against Humanity / Ed. by M.Lattimer and P.Sands. Oxford, 2006, p. 47–72.
16. File: <https://www.UNODC.org/tldb/pdf/TAJ-Criminal>.
17. Schabas A. William. The UN International Criminal Tribunals: The Former Yugoslavia, Rwanda and Sierra Leone. Cambridge University Press. Cambridge. 2006, 766 p.
18. Schabas A. William. International Courts and Tribunals. Edward Elgar Publishing Ltd. Cheltenham. 2014, 944 p.
19. The Princeton Principles on Universal Jurisdiction. Princeton. New Jersey, 2001, 58 p.
20. Werle G, Jessberger F. Principles of International Criminal Law. Oxford. Oxford University Press. 2014, p.403–405.