

THE ROLE OF THE PRINCIPLES OF THE INTERNATIONAL CRIMINAL COURT IN THE SYSTEM OF INTERNATIONAL CRIMINAL JUSTICE

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Abstract:

The article analyzes the principles of the Rome Statute of the International Criminal Court and its importance in the criminal justice system has been explored. It also highlights the importance of the principles of the Rome Statute of the International Criminal Court in the process of implementation of this statute into the legislation of the Republic of Uzbekistan.

Keywords: International Crimes, International Criminal Court, International Tribunal Courts, Nullum crimen sine lege, Nulla poena sine lege, Ratineo personae, personal criminal liability, mental element, grounds for excluding criminal responsibility.

In the current era, such a situation has arisen that even the state itself is not able to solve many types of crime. At the same time, crime has become transboundary beyond national territories. Therefore, in the fight against crime, it is necessary to generalize actions at both the domestic and international levels to ensure the protection of important interests of the state.

Great importance is attached to international legal measures and international law enforcement organizations in the fight against specific types of crimes and general crimes.

Today, in the fight against crime and other violations, international intergovernmental organizations, along with states, are important. Also, special international intergovernmental organizations have been established in the fight against crime. We can include such organizations as Interpol, Europol, International Criminal Court, SCO MATT. Among these organizations, the International Criminal Court is of particular importance.

The International Criminal Court is a permanent body authorized to exercise jurisdiction over persons responsible for the most serious crimes, which is in the attention of the international community and complements the national legal system. The main legal source of this court is the Rome Statute of the International Criminal Court.

The Rome Statute of the International Criminal Court is considered to be the international treaty that created the legal basis of the first independent international criminal jurisdiction, and today this statute is considered a central document that ensures a real, fair trial and investigation in international criminal law.

Any activity, by its nature, is based on certain laws and principles that determine its direction and character, that is, express its unique characteristics. International criminal law has its own regulatory principles, like a specific field. These principles are the guiding principle for any

rule governing international criminal law. Uzbek scientist A.Kh. Saidov defined the principles of international law as "legally strengthened foundations of international law that arise as a result of social practice, the governing rule of legal subjects", and they are very important for the international community in their provision in the international legal order. emphasizes that it is important.

The International Criminal Court, as a permanent body in the eyes of the international community and supplementing the national legal system, empowered to exercise jurisdiction over persons responsible for the most serious crimes, has its legal basis in the "Rome Statute of the International Criminal Court" Chapter 3 special principles are defined in limi. We will consider these principles below.

Nullum crimen sine lege. The literal meaning of this principle is "no illegal crimes". According to this principle, if the action committed by a person does not correspond to the criminal actions established in the jurisdiction of the court, he is not held responsible. The principle of *nullum crimen sine lege* is defined in Article 22 of the Rome Statute of the International Criminal Court.

1. A person shall not be prosecuted under the Rome Statute unless the acts committed are within the jurisdiction of the International Criminal Court.

2. The concept of crime must be interpreted strictly and similar crime cannot be expanded. If it is unclear, the ongoing case will be decided in favor of the person under investigation, prosecuted or convicted.

3. This norm does not affect the nature of any conduct under international law that is not subject to the Rome Statute.

Nulla poena sine lege. According to this principle, a person found guilty will be held responsible only according to the Rome Statute of the International Criminal Court. Also, this principle is part of the principle of legality and prohibits retroactive punishment. This principle is closely related to the principle of *Nullum crimen sine* and it prohibits the reapplication of the law. The above principles are part of a number of treaties and declarations on human rights, for example, the International Covenant on Civil and Political Rights, the Universal Declaration of Human Rights. These principles are not considered controversial, they were accepted and supported by the majority at the Rome Conference.

However, since *Nulla poena sine lege* is a penal principle, it should be considered together with Article 7 of the Rome Statute. Article 77 of the Rome Statute defines the penalties applicable to the court. These are imprisonment for a maximum of 30 years, life imprisonment, the direct or indirect proceeds of the crime, the fine or confiscation of property and assets. The factors to be taken into account in determining the sentence are listed in Article 78 of the Rome Statute.

The principle of *ratineo personae*. According to this, a person will not be held criminally responsible for his actions before the entry into force of the Rome Statute. In the event that the

court case is not completed or a decision has not been issued, a lighter punishment will be applied to the person who is being tried or whose case is being considered. The Rome Statute entered into force on July 1, 2002. After the entry into force of the Rome Statute, Article 126, Part 2 of the Rome Statute should be taken into account when determining the period of jurisdiction in relation to the countries that ratified it. According to it, it enters into force for such countries on the first day of the month following the 60th day after its signature by that country. This date is important for the application of the principle of *Ratineo personae*, as there is no criminal liability for conduct before this date.

The principle of personal criminal responsibility for crimes under international law. This principle states that the International Criminal Court has jurisdiction only over individuals. The person who committed the crime is subject to the jurisdiction of the Court and will be held liable in accordance with the Rome Statute as an individual. If a person commits a crime individually, in cooperation with other persons or through another person, this person shall be prosecuted and punished if he falls under the jurisdiction of the court, regardless of whether he is prosecuted or not. If this person helps to commit a crime, if he allows another person to commit a crime, he will be held criminally responsible and punished for the crime committed according to the established rules. The participant must consciously bring the criminal accomplices who committed the crime. A person who unknowingly facilitates the commission of a crime is not found guilty according to this principle. In addition, the participant must provide direct and actual assistance in the commission of the crime.

At the same time, this principle was expressed in several international documents even before the Rome Statute of the International Criminal Court. They are:

- Articles 7 and 23 of the Charter of the International Tribunal established on February 22, 1993 for the purpose of prosecuting violations of international humanitarian law committed on the territory of the former Yugoslavia;
- Articles 6-22 of the Charter of the International Tribunal, which prosecutes those who committed the crime of genocide and serious violations of international humanitarian law committed in the territory of Rwanda and neighboring countries between January 1, 1994 and December 31, 1994:
- at the 2nd session of the UN International Law Commission held in 1950 on the adoption of the "principles of international law recognized by the Charter of the Nuremberg Tribunal and reflected in the decision of this Tribunal";
- Article 1 of the draft Criminal Code of 1954 against the peace and security of mankind.

The principle of exemption from jurisdiction for persons under 18 years of age. According to this principle, the People's Criminal Court will not have jurisdiction over any person who was under 18 years of age at the time of the crime. The age limit of 18 years is absolutely important, it is completely independent of a person's coming of age. The statutes of the International Military Tribunal, the ad hoc courts of the United Nations, do not set any age

of criminal responsibility. Among them, article 7 of the statute of the Special Court of Sierra Leone set the age of criminal responsibility at fifteen, but no juvenile was prosecuted.

The principle of not allowing to conduct business based on the position. This principle expresses the equality of all before the law, and it is not a basis to exempt any official, head of state or government, member of parliament or government, or other official from criminal liability under the Rome Statute of the International Criminal Court. It should be emphasized that regardless of whether the criminal actions of persons in any position are tried in a national court or an international criminal court, it is not necessary to prohibit the application of judicial jurisdiction over a person. This principle is important because it is important for the implementation of the goal of ending impunity for international criminals. In general, one of the main tasks of the International Criminal Court is confirmed by this principle.

The principle of responsibility of the commander and other leaders. According to this principle, a military commander shall be held criminally liable for criminal actions and criminal actions committed by force, under the circumstances, by command or control, which fall under the jurisdiction of the court. Cases of crimes committed by such forces or attempts to commit crimes as determined as a result of his management or control, his failure to prevent the commission of a crime using his official position, to allow the commission of a crime, to eliminate the situations that have arisen, or when the above circumstances are observed as a result of his knowledge and failure to present it to relevant authorities for criminal investigation and investigation, a criminal case or action is committed, and the commander or responsible person will be held criminally liable for it.

The principle of non-application of the transition period. This principle provides that legal restrictions do not apply to international crimes that are the subject of the International Criminal Court. This principle states that there is no time limit for committed international crimes, and the issue of prosecution will be considered regardless of how much time passes. Special attention should be paid to the fact that this principle applies after the entry into force of the Rome Statute of the International Criminal Court. Therefore, the Rome Statute of the International Criminal Court came into force on July 1, 2002, and when considering international crimes committed after this period, this principle is applied.

The principle of the subjective side. For the first time in the history of international criminal law, in contrast to the Nuremberg and Tokyo Charters and the statutes of the International Military Tribunals for the Former Yugoslavia and Rwanda, the International Criminal Court, in Article 30 of the Rome Statute, instituted criminal responsibility for those who committed international crimes. A general definition of the subjective side principle is given.

According to the principle of subjective party, if an international crime is committed intentionally and knowingly, a person is held criminally responsible and liable for punishment. This principle is manifested in the illegal actions of a person. That is, this principle applies in

cases where the person who committed the crime knew that a criminal act would occur as a result of his actions during the commission of the crime and continued his activities.

The principle of the basis of exemption from criminal responsibility. This principle describes the grounds for exempting a person from criminal responsibility. The grounds for exemption from responsibility are stated in Article 31 of the Rome Statute of the International Criminal Court. They include:

- in the case of having a mental illness or having mental disorders that do not allow him to understand that he is acting against the law, that he is violating the law, that he is carrying out activities that are contrary to the requirements of the law at the time of the crime;
- if he is in a state of intoxication, which deprives him of the ability to realize that he is acting against the law and that his actions must be performed in accordance with the requirements of the law;
- if a person deliberately acted to protect himself or another person in cases of war crimes, events that are extremely important for the survival of this person or another person, or tasks of a military nature if he acts in situations that are important for the execution, he takes illegal actions out of necessity based on the level of existing danger to that person or another person;
- commits an act leading to the commission of crimes under the jurisdiction of the International Criminal Court in a situation where there is a risk of death or serious bodily injury to a person, without wanting to cause this risk or great harm at the time of the above-mentioned suffering to himself or another person in the case of taking necessary measures to eliminate and put an end to it.

Principle of error in evidence or law. This principle means that a mistake in the presented fact can be the basis for exemption from criminal responsibility only if the important subjective aspect of the crime is not taken into account. In cases where the act is a crime under the jurisdiction of the court, even if the error of law is not included among the crimes under the jurisdiction of the base for the exemption from criminal responsibility, even if the court does not personally deal with this issue, the person who committed it is not exempted from criminal responsibility, the court will deal with this issue even if he is not personally involved, other law enforcement bodies, for example, local courts, will have to prosecute him in an appropriate manner. However, an error in law can be the basis for exemption from criminal liability in cases where the important and necessary aspects of the specific crime are not considered.

The order of the head and the principle of signing the law. This principle states that a person who is legally obliged to carry out the orders of the state or the head, and commits international crimes on the basis of the orders of the head or the state knowing that the orders are illegal, is not exempted from criminal responsibility.

The principles mentioned in the Rome Statute of the International Criminal Court are formed on the basis of the generally recognized principles of international law, and the member states of this statute strictly adhere to them and recognize them. At the same time, the principles

reflected in the Rome Statute of the International Criminal Court are important in the implementation of the following goals:

- prosecution and punishment of persons who have committed international crimes;
- protection of the international community and its members and all people from international crimes;
- prevention of international crimes, thus ensuring and restoring peace and security.

Taking into account the above, it is important to implement the Rome Statute into the national legislation of the Republic of Uzbekistan. In this process, the principles expressed in the Rome Statute are of great importance. Most of the principles analyzed above are reflected in the content of the criminal legislation of the Republic of Uzbekistan. At the same time, it is necessary to bring the principles of the International Criminal Court into full compliance with the norms of criminal and procedural nature of crimes in the national legislation. This makes it possible to ratify the Rome Statute of the International Criminal Court without conflicting with national laws. In particular, it is appropriate to ratify the Rome Statute of the International Criminal Court only after comprehensive implementation of the legislation has been carried out.

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