

Recognition of the Jurisdiction of the International Criminal Court as a Measure to Ensure the Application of International Humanitarian Law: Example of Armenia

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This paper reviews the definition of international humanitarian law, as well as the application of international humanitarian law by the International Criminal Court. The powers and activities of the International Criminal Court are examined. The scope of possible application of the principles and provisions of international humanitarian law by the International Criminal Court, as well as the modalities of such application, is revealed. The article analyses changes in Armenian legislation after the ratification of the Rome Statute and focuses on the fact that after the ratification of the Rome Statute, which is a significant step forward for the security of Armenia, Armenia (Centre for Truth and Justice) requested the International Criminal Court Prosecutor to initiate a preliminary examination of the ongoing genocide committed by Azerbaijan's Armed Forces against the ethnic Armenians within the territory of Armenia. Besides this, the analysis of the procedural position of the International Criminal Court Prosecutor in the system of international justice is carried out. The main tasks and fundamental role of the Prosecutor's office in the investigation or prosecution of international crimes are investigated.

Keywords: *International Criminal Court; International Humanitarian Law; Rome Statute; ratification; preliminary examination.*

Introduction

International Humanitarian Law (hereinafter IHL) is the provisions and principles of international law that limit the use of violence during armed conflicts to humanise armed conflicts. That is, this law is applicable during armed conflicts and is aimed at reducing the disasters caused by them. It is worth noting that IHL law means a set of legal provisions binding on states that are aimed at protecting victims of armed conflicts of an international and non-international nature and limiting the means and methods of warfare. Firstly, this branch of law protects persons who do not take part in hostilities. Second, IHL prohibits means and methods of warfare that do not distinguish between combatants and non-combatants, as well

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as those that cause excessive injury. The modern concept of IHL is “*the extension of international legal responsibility for war crimes, crimes against humanity committed during armed conflicts of both an international and non-international nature*”¹.

The Relationship Between International Humanitarian Law and International Criminal Court

One of the aspects of international legal reality in the field of IHL is its application by the International Criminal Court (hereinafter ICC). The adoption of the Rome Statute (hereinafter the Statute) of the ICC and the creation of the first-ever permanent body of international criminal justice clearly emphasise the real existence in international law of the institution of individual criminal responsibility for serious violations of IHL. Article 8 of the Statute, which codifies war crimes under international law, is the source of IHL. The creation of the ICC is directly related to the content of the provisions of IHL and the court’s qualification of the commission of war crimes as serious violations of this law.

The Statute codifies a certain part of the provisions of IHL. The development of IHL was facilitated by the content of Articles 5-8 of the Statute, which lists those acts for which ICC has the right to prosecute relevant persons. But the Statute not only codifies already recognised provisions but also develops their content. The most important achievement is that aggression and genocide are included among the acts for which individuals will be prosecuted by this court. This is of fundamental importance, since aggression, namely the first initiation of hostilities, in practice underlies most gross violations of IHL. Evidence of the development of IHL is the inclusion in the text of the Statute of grounds for exemption from criminal liability. It is crucial that the rules of the Statute, which provide grounds for exemption from liability for the commission of international crimes, must be taken into account when determining the individual responsibility of individuals for these crimes. The ICC creates additional guarantees of compliance with the provisions of IHL by high-ranking persons who have immunity from criminal prosecution at the national level².

The practice of the ICC is extremely important for defining the legal framework of IHL. There is a direct connection between the subject of legal regulation of IHL and the goals set for the ICC, which is designed to ensure the qualified application of IHL. Its decisions are undoubtedly a valuable additional means of establishing whether a particular rule of law exists or not, as well as determining its content and limits of action. Individuals are tried before the ICC and must bear international responsibility for the crimes they have committed, recognised as such by international law. The ICC is based on the presumption of individual criminal responsibility; individuals who have committed acts that are defined as criminal in international law are subject to its jurisdiction. It should be noted that the establishment of international criminal courts is directly related to the content of IHL and the

¹Safiullina (2003).

²Volova (2011).

qualification of its serious violations as war crimes³. The ICC deals with the consequences of serious violations of IHL, and for a branch of international law that pursues humane goals and constantly experiences flagrant violations of its provisions, any decisions of international justice bodies confirming its significance are extremely important. The ICC is an independent international judicial institution, capable of determining the limits of its competence, which means that it has a “competence de la competence” and is not associated with the practice of any other judicial institutions.

Thus, we can conclude that ICC was created to protect and develop IHL and the results of its activities will directly influence the authority of the mentioned area of law.

Application of IHL by ICC and Literature Review

Concerning the procedure for the application by ICC of the principles and provisions of IHL, the additional, subsidiary nature of the legal provisions constituting these branches of public international law in relation directly to the provisions of the Statute is obvious. Regarding the scope of use of the principles and provisions of IHL, it is important to highlight several significant areas that objectively imply such application, which are the following: determining of the contextual element of international crimes falling within the jurisdiction of the ICC, defining and clarifying the content of concepts related to the objective side of committed (being committed) international crimes that fall under the jurisdiction of the ICC, resolving issues related to the transfer of persons who have committed crimes falling under the jurisdiction of the ICC by states that are not parties to the Statute to ICC for the administration of justice over them, determining the gravity of the crimes committed, as well as aggravating and mitigating circumstances, primarily when the ICC assigns specific punishment to persons found guilty of crimes falling under its jurisdiction, and resolving issues related to the execution of punishment, as well as preventive measures against persons accused of committing crimes within the jurisdiction of ICC.

Determining the Contextual Element of International Crimes falling within the Jurisdiction of the ICC

The term “contextual element” is used in the science of international criminal law to denote the connection of the crime with the circumstances qualifying it as an international criminal act. Thus, the contextual element of crimes against humanity is their connection with a widespread or systematic attack against any civilians; The contextual element of war crimes is the connection of these acts with an armed conflict. This element is often decisive both for the correct qualification of crimes and for distinguishing one type of crime falling under the jurisdiction of the ICC from another. The above element allows not only to distinguish international crimes

³Gutierrez Posse (2006).

that fall under the jurisdiction of the ICC from ordinary crimes but also to differentiate crimes that have a very similar (if not identical) objective side but relate to different categories of international criminal acts (in particular, crimes against humanity and war crimes).

The contextual element acquires particular significance for the qualification of war crimes committed only during an armed conflict⁴. At the same time, Art. 8 of the Statute distinguishes between crimes committed during armed conflicts of an international and non-international character. The appropriate qualification of an armed conflict is important for determining the “threshold of application” of the provisions of IHL to it, and, consequently, international criminal law (in terms of the commission of war crimes during a given conflict). Thus, concerning armed conflicts of an international nature, the rules of IHL apply from the beginning (legal or actual) to such an armed conflict⁵. Article 2 of the Geneva Conventions names the cases in which the provisions of the conventions will apply: declaration of war; another armed conflict arising between two or more states (even if one of them does not recognise the state of war); occupation of all or part of the territory of a state (even if this occupation does not meet any armed resistance). Commenting on this aspect of IHL, Werle noted that “*an interstate conflict occurs when a state uses military force directly against the internationally protected territory of another state*”⁶.

The threshold for the application of IHL in the context of a non-international armed conflict is much higher. Clause 1 of Article 1 of the Additional Protocol to the Geneva Conventions, relative to the protection of victims of non-international armed conflicts (Protocol II), declares that the provisions of the protocol apply to all armed conflicts “*taking place in the territory of a High Contracting Party between its armed forces and anti-Government armed forces or other organised armed groups which, under responsible command, exercise such control over part of its territory as to enable them to carry out continuous and concerted action and to apply this Protocol*”. However, paragraph 2 of Article 1 of Protocol II specifies that the provisions of an international legal act do not apply “*to cases of disruption of internal order and the emergence of a situation of internal tension, such as riots, isolated and sporadic acts of violence and other acts of a similar nature, since these do not constitute armed conflicts.*”

The wording of paragraph “f” of Article 8 of the Statute largely repeats the wording of Article 1 of Protocol II by mentioning that it applies to war crimes committed during a non-international armed conflict and falls within the jurisdiction of the ICC, somewhat expanding it. This provision of international criminal law does not require, in particular, mandatory control of non-governmental armed groups over part of the territory of the state in which an internal armed conflict is taking place and the presence of “responsible command” among non-governmental armed groups. The criteria that distinguish non-international armed conflicts from

⁴Lyamin (2018).

⁵Lyamin (2018).

⁶Werle (2011).

ordinary indiscriminate acts of violence are the organisation of armed groups and the duration of the armed conflict⁷.

At the same time, the criteria outlined in the Statute objectively contain (with possible minor amendments) the signs of armed conflicts of a non-international nature, recorded in the treaty provisions of IHL. Thus, the duration of the conflict and the presence of organised armed non-governmental formations are unthinkable without the control of these formations over certain areas of the territory (even if located in unpopulated and inaccessible areas) for the location of military bases, weapons depots, military command, and control bodies, etc. The presence of a responsible command also be considered a sign of an armed conflict of a non-international nature, delimiting the specified conflict from “unrest, isolated and sporadic acts of violence and other acts of a similar nature.” The actual autonomy of the field commanders of these formations does not contradict this criterion, since it does not cancel the organisational unity of the corresponding non-governmental armed formations, but only decentralises it. Thus, it can be stated that the principles and provisions of IHL are an auxiliary mechanism for determining the contextual element of war crimes, capable of assisting the ICC in their correct and reasonable qualification⁸.

Defining and clarifying the content of concepts related to the objective side of committed (being committed) international crimes that fall under the jurisdiction of the ICC (for example, the concepts of combatant, occupation, distinctive emblems established by the Geneva Conventions, prohibited means and methods of warfare)

Several elements of war crimes enshrined in Art. 8 of the Statute operate with the above concepts without revealing their content, which makes recourse to the provisions of IHL (which determine this content) inevitable and natural⁹.

Resolving issues related to the transfer of persons who have committed crimes falling under the jurisdiction of the ICC by states that are not parties to the Statute to the hands of the ICC for the administration of justice to them

Even though the rules of substantive international criminal law contained in these conventions are codified by the provisions of the Statute, they remain important in the implementation of international cooperation of the ICC with states that are not members of the Statute, especially on the issues of transferring to international justice persons accused of crimes, which the above-mentioned international legal acts deal with. These provisions oblige states either to carry out justice concerning these crimes themselves (which is fully consistent with the complementarity model of international criminal justice enshrined in the ICC Statute) or to hand over for justice the person accused of the relevant crimes guided by the principle of *aut dedere aut judicare* (either extradite or prosecute) - a legal obligation of states under public international law to prosecute persons who commit

⁷Lyamin (2018).

⁸Lyamin (2018).

⁹Lyamin (2018).

serious international crimes where no other state has requested extradition, an interested party (the ICC). The treaty provisions enshrined in the above-mentioned conventions have long since become generally accepted provisions of international law, norms erga omnes¹⁰. Kartashkin, commenting on this legal reality (concerning the Convention on the Prevention and Punishment of the Crime of Genocide), states: “Regardless of whether a particular state is a party to the Convention and whether its laws prohibit the commission of genocide, the persons guilty of this international crime, are subject to prosecution and punishment”¹¹. Accordingly, the provisions enshrined in these international legal acts become an effective mechanism for attracting states that are not parties to the Statute to cooperate with the ICC.

Determining the gravity of the crimes committed, as well as aggravating and mitigating circumstances, primarily when the ICC assigns specific punishment to persons found guilty of crimes falling under the jurisdiction of the ICC

The Statute outlines the criteria for sentencing by the court to a person found guilty of committing crimes within the jurisdiction of the ICC, according to which in determining the penalty, the court, following the Rules of Procedure and Evidence, takes into account such factors as the gravity of the crime and the identity of the convicted person. The criteria are somewhat detailed by Rule 145 of the Rules of Procedure and Evidence. However, this rule does not pretend to be an exhaustive list of circumstances that determine the severity of a particular crime. In paragraph “b” of Part 1 of the mentioned rule, which lists the aggravating circumstances of criminal acts falling under the jurisdiction of the ICC, subparagraph “VII” also includes “other circumstances that, although not listed above, are similar in nature to those mentioned”¹².

For the legal definition of “other circumstances”, it is permissible to apply the principles and provisions of IHL and international human rights law. This is most relevant when considering violent crimes falling under the jurisdiction of the ICC, committed against certain vulnerable categories of persons who enjoy the greatest protection under international and national law: minors, people with disabilities, etc. Special protection of the rights of certain vulnerable categories of persons implies a greater degree of responsibility for criminal violation of the rights of these categories. The aggravating nature of criminal acts committed against representatives of vulnerable groups was pointed out by the Inter-American Commission on Human Rights. Thus, when considering the case *Valentina Rosendo Cantu and others vs. Mexico Commission* found that in cases of rape of indigenous women, the violence is exacerbated by their vulnerability as such¹³.

The application in this regard of the principles and provisions under consideration can provide the Court with the necessary legal mechanisms for the legality and validity of the verdict and punishment. Thus, the 1974 Declaration on the Protection of Women and Children in Emergency Events and Armed Conflict

¹⁰A Latin phrase which means "towards all" or "towards everyone".

¹¹Kartashkin (2009).

¹²Valeev, Tarkhanov & Kayumova (2010).

¹³Abashidze (2012).

proclaims “the need to provide special protection to women and children belonging to the civilian population”.¹⁴

Resolving issues related to the execution of punishment, as well as preventive measures against persons accused of committing crimes within the jurisdiction of ICC

The application of the principles and provisions of IHL by the ICC seems necessary in the implementation of the court’s supervision over the implementation of the sentence and the conditions of deprivation of liberty. Clause 1 of Article 106 of the Statute states that the execution of custodial sentences shall be subject to the supervision of the court and shall be per widely accepted international treaty standards for the treatment of prisoners. In this regard, the International Covenant on Civil and Political Rights of 1966, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984, and the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 should be highlighted¹⁵.

Ratification of the Statute and Recognition of the Jurisdiction of the International Criminal Court by the Republic of Armenia (Armenia)

On 14 November 2023, Armenia formally deposited the instrument of ratification of the Statute and the Statute entered into force on 1 February 2024. Armenia becomes the 124th State Party to join the Statute, and the 19th State from the Eastern European group to do so. The adoption of the Statute was due to the need to solve serious international problems¹⁶. The ICC, the first permanent body of international criminal justice, is closely linked to the expectations of the international community in the fight against impunity in the context of overall efforts to maintain international peace and security, resolve existing conflicts, and prevent new sources of tension. The necessity and urgency of the ratification of the Statute and the recognition of ICC’s jurisdiction are determined by the law adopted by the parliament of Armenia. The National Assembly of Armenia has mentioned that in 2021 since May, the armed forces of Azerbaijan invaded the sovereign territory of Armenia by carrying out military aggression against Armenia and continue to remain in different parts of the sovereign territory of Armenia. Then, in 2022 on September 13-14, a new large-scale military aggression was carried out by the armed forces of Azerbaijan in the direction of different parts of the sovereign territory of the RA, which led to hundreds of victims among the armed forces and the civilian population, and during which the most serious war crimes were committed. Moreover, judging by the behaviour and bellicose statements made by Azerbaijan, the risk of new military aggression against Armenia by Azerbaijan

¹⁴Lyamin (2018).

¹⁵Lyamin (2018).

¹⁶<https://www.icc-cpi.int/news/international-criminal-court-welcomes-armenia-new-state-party#:~:text=Background%3A%20On%2014%20November%202023,European%20group%20to%20do%20so>

remains high. In these conditions, the early ratification of the ICC Statute by Armenia is crucial, because after the ratification of the Statute by RA, any crime committed by the Armed Forces of Azerbaijan on the territory of Armenia, including war crimes, will be subject to the jurisdiction of the ICC, which will be a deterrent for Azerbaijan.

Retrospective recognition of the jurisdiction of the ICC is also important, which will enable the jurisdiction of the ICC to be extended to the crimes provided by the Statute already committed by Azerbaijan. However, the application of this instrument will be more effective when combined with the ratification of the Statute by Armenia¹⁷.

Because after ratification the Statute becomes part of the legal system of Armenia, the question of so-called self-executing and non-self-executing international legal provisions inevitably arises. Article 14 of the Statute empowers member states of the ICC to request the prosecutor to open an investigation into international crimes within the court's jurisdiction. Questions about which state body, through what channels, and under what procedure can apply to the ICC, require additional legal regulation. To solve these issues, Armenia has adopted the draft law on the cooperation of Armenia with the ICC, which regulates the principles of cooperation of Armenia with the International Criminal Court, the bodies authorized for cooperation and their functions, as well as the forms of legal assistance during cooperation.

Questions need to be clarified during the Application of the Statute by Armenia

The first question that needs to be clarified is the interrelation between Article 1 of the Statute and Articles 162 and 163 of the Constitution of Armenia (Constitution). The Statute complements national criminal justice authorities (Article 1 of the Statute). This provision of the Statute means recognition, along with the jurisdiction of national judicial authorities, the jurisdiction of another (international) judicial body. According to part 1 of Article 162 of the Constitution, justice in Armenia is administered only by courts following the Constitution and laws. According to parts 1 of Article 163 of the Constitution, in Armenia, there are the Constitutional Court, the Court of Cassation, the appeal courts, the courts of first instance of general jurisdiction, as well as the administrative court. Does the Constitution provide for the opportunity to create courts in the order of concluding an international treaty, making it possible to supplement the system of judicial bodies exercising criminal jurisdiction provided by the Constitution with an international judicial body of criminal jurisdiction? This is a question that needs to be clarified.

Seems difficult also the issue of interpretation and implementation of Article 27 of the Statute on bringing to criminal liability the head of state, head of government, and other senior officials of the state and Article 141 of the

¹⁷<http://parliament.am/drafts.php?sel=showdraft&DraftID=72101>

Constitution, which provides for a special procedure for removal from office of the President of Armenia, including in the event of committing a serious crime. The decision to remove from the office of the President based on the conclusion of the Constitutional Court is made by the National Assembly. There is a possibility that ICC will require, under Article 27 of the Statute, transferring of the head of state (the President) to its jurisdiction, and the Constitutional Court will not give the necessary conclusion or the National Assembly will not make appropriate decisions. Thus, a conflict may arise: on the one hand, the presence of national procedural provisions should not serve as an obstacle to the court exercising its jurisdiction, and on the other hand, there is a special procedure established by law for bringing senior officials to criminal liability, who have the right to demand its compliance.

The next issue concerns the coexistence of the constitutional provision that establishes the prohibition of repeated convictions for the same crime (Part 1 of Article 68 of the Constitution) and the provisions of Article 20 of the Statute, which establishes two exceptions to the non bis in idem rule: no person who has been tried by another court for conduct also proscribed under article 6, 7, 8 or 8 bis shall be tried by the ICC concerning the same conduct unless the proceedings in the other court were to shield the person concerned from criminal responsibility for crimes within the jurisdiction of the Court; or otherwise were not conducted independently or impartially following the provisions of due process recognised by international law and were conducted in a manner which, in the circumstances, was inconsistent with an intent to bring the person concerned to justice¹⁸. Paragraph 7 of Article 14 of the 1966 Covenant on Civil and Political Rights states that “no one shall be tried or punished a second time for a crime for which he has already been finally convicted or acquitted under the law and criminal procedure of each country.” Does it mean that Article 20 of the Statute allows a repeated conviction for the same act, contrary to the universal international legal instrument establishing human rights? This is another issue that needs to be clarified.

Another issue that may arise during the application of the Statute in the Armenian context concerns the concepts of “surrender of persons to the Court” and “extradition”. Article 55 of the Constitution enshrines the principle of non-extradition of its citizens. A citizen of Armenia cannot be extradited to a foreign state, except for the cases stipulated by international treaties ratified by Armenia. Thus, Armenian citizens cannot be extradited to another state, not to mention an international organisation. According to Article 89 of the Statute, the ICC may transmit a request for the arrest and surrender of a person, together with the material supporting the request outlined in Article 91, to any State on the territory of which that person may be found and shall request the cooperation of that State in the arrest and surrender of such a person. It should be noted that Article 102 of the Statute explains the terms used, according to which “surrender” means the delivering up of a person by a State to the ICC, according to this Statute, whereas “extradition” means the delivering up of a person by one State to another as provided by treaty, convention or national legislation. These give grounds to consider surrender of persons to the Court and extradition as independent institutions of international law.

¹⁸[chrome extension://efaidnbmninnibpcjpcglclefindmkaj/https://legal.un.org/icc/statute/english/rome_statute\(e\).pdf](chrome_extension://efaidnbmninnibpcjpcglclefindmkaj/https://legal.un.org/icc/statute/english/rome_statute(e).pdf).

Thus, we can conclude that the implementation of Article 89 of the Statute does not contradict the specified provision of the Constitution (Article 55), because this is not extradition in the sense of an international treaty.

Request to initiate a Preliminary Examination by ICC Prosecutor

The International Criminal Court has a full stage of initiating a criminal case, which is initiated by the Prosecutor. According to Article 15 of the Statute, the Prosecutor initiates a case on his initiative (*proprio motu*) based on available information about the offense. The Prosecutor of the ICC may initiate an investigation *proprio motu* based on information received from any reliable source regarding the commission of crimes within the jurisdiction of the Court (Articles 13(c) and 15). As such a reliable source, the Center for Truth and Justice (CFTJ) requested the ICC Prosecutor to initiate a preliminary examination of the ongoing genocide committed by Azerbaijan's Armed Forces under the leadership/direction of the President of Azerbaijan and its military leadership, against ethnic Armenians within the territory of Armenia. Taking into account the fact that the jurisdiction of the ICC extends to the crimes of genocide, war crimes, crime of aggression (since 2010), CFTJ communication requests the ICC Prosecutor to open a preliminary examination of the situation in Armenia since May 12, 2021, both to prevent and to punish the perpetrators of the genocide committed against ethnic Armenians under the Convention on the Prevention and Punishment of the Crime of Genocide, Article II(c), deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part¹⁹.

Initiating an investigation by the prosecutor is an important power that will improve the perception of the Prosecutor Office of ICC as an "independent" agency. The prosecutor may conduct a formal "Motu proprio" investigation only with the approval of the Pre-Trial Chamber of the Court. The Office of the Prosecutor operates independently as a separate body from the court and, therefore, its members exercise their functions without any external influence, inducement, pressure, threat, or interference, directly or indirectly empowering the prosecutor to ensure the complete independence of employees. The Office of the Prosecutor is mandated to act objectively in investigating both indictive and exculpatory circumstances and the ICC Prosecutor is expected to act impartially and conduct investigations with a view to the truth and in the interests of justice. When performing his duties, the prosecutor observes confidentiality requirements (which do not end with termination of service); in particular, he/she must not disclose confidential information or disclose the contents of material considered less sensitive by the international criminal court, unless authorised by the international criminal court. The prosecutor is a party, but it is recognised that he represents the interests of the international community and must act objectively and fairly. When conducting investigation and supervision at the first stage of criminal proceedings, prosecutors are the main defenders of human

¹⁹<https://www.cftjustice.org/wp-content/uploads/2024/04/ICC-Communication-NEW-IND.pdf>

rights, and this important role must be carried out throughout the process, limiting the risk of undue political interference in the way they exercise their powers²⁰.

The independence of the ICC Prosecutor's office is a consequence of the independent judiciary. After the initiation of an investigation, the Prosecutor approaches the Pre-Trial Chamber, which decides to issue a warrant for the arrest and transfer of a person suspected of having committed a crime within the jurisdiction of the ICC. When a person is brought before the Court, whether voluntarily or by a warrant, the Pre-Trial Chamber must hold a hearing to ensure that the Prosecutor has sufficient evidence to prove each charge (Article 61(5)).

Conclusion

The application by the ICC of the principles and provisions of IHL is objectively subsidiary. Without making adjustments and additions to the specific elements of crimes falling under the jurisdiction of the ICC, these international legal principles and provisions can help the ICC follow the generally accepted understanding of the special terminology used in the provisions of the Statute, in a legally correct assessment of contextual circumstances (the contextual element) and in determining the degree of gravity certain criminal acts.

Ratification of the Statute is a manifestation of solidarity with the victims of genocide committed by Azerbaijan's Armed Forces since May 12, 2021, and a step towards a safe future, both in Armenia and in the world as a whole. The jurisdiction of the ICC will ensure the security of the territory remaining under the control of the Armenian authorities from new aggressions of Azerbaijan and is a guarantee that with accession to the ICC, the level of security and inviolability of the territorial integrity of Armenia will be ensured.

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References

- Abashidze, A. (2012). Региональные системы защиты прав человека: учеб. пособие. [In English: *Regional systems for the protection of human rights: a textbook.*] Moscow: Publishing House of RUND.
- Gutierrez Posse, H.D.T. (2006). The relationship between international humanitarian law and the international criminal tribunals. Volume 88 Number 861. *International Review of the Red Cross* 85-86.
- Kartashkin, V. (2009). Права человека: международная защита в условиях глобализации. [In English: *Human rights: international protection in the context of globalization.*] Moscow: Norma Publishing House.

²⁰Nureeva (2022).

- Lyamin, N. (2018). Применение Международным уголовным судом норм международного гуманитарного права и международного права прав человека [In English: *Application of international humanitarian law and international human rights law by the International Criminal Court*] in *Modern Law* 6:144-148.
- Nureeva, L. (2022). Этические нормы поведения прокурора международного уголовного суда. [In English: *Ethical standards of conduct of the prosecutor of the International Criminal Court*]. *International Law*. N 2, 5.
- Safiullina, I. (2003). Нюрнбергские принципы и их влияние на формирование международных уголовных судов в современных условиях: Автореф. ... дисс. ... канд. юрид. наук. [In English: *The Nuremberg principles and their influence on the formation of international criminal courts in modern conditions: Abstract of PhD diss.*]. Kazan, 5.
- Valeev, I., Tarkhanov, A. & A. Kayumova (2010). Правила процедуры и доказывания. Международное уголовное право в документах: учеб. пособие: в 2 т. Т. 2 [In English: *Rules of procedure and evidence. International criminal law in documents: a textbook in 2 volumes. Volume 2.*]. Moscow: Statut Publishing House.
- Volova, L. (2011). Деятельность международного уголовного суда и трибуналов ad hoc - новый этап в развитии международного гуманитарного права. [In English: *The activities of the international criminal court and ad hoc tribunals as a new stage in the development of international humanitarian law*]. *North Caucasian Legal Bulletin № 3. Rostov-on-Don*, 71.
- Werle, G. (2011). Принципы международного уголовного права: учеб. / пер. с англ. С.В. Саяпина. Феникс. Транслит. [In English: *Principles of international criminal law. Textbook translated from English by S. Sayapin*]. Moscow: Feniks, Translit Publishing House.

Conventions and a Declaration

- Convention for the Protection of Human Rights and Fundamental Freedoms of 1950.
- Convention on the Prevention and Punishment of the Crime of Genocide 1948, entered into force in 1951.
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984.
- Declaration on the Protection of Women and Children in Emergency Events and Armed Conflict of 1974.
- International Covenant on Civil and Political Rights of 1966.