

The role of the Rome Statute of International Criminal Court (ICC) in the development of the international law regulation applicable to non-international armed conflicts

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Research Methodology. Using the method of comparative law is held a historical analysis of the international legal framework relating to the question the role of the International Criminal Court (ICC) in the development of the law relating to non-international armed conflicts, as well as reviewed the practice of the ICC concerning the offenses committed during a civil war. The methods of deduction and induction allowed a number of selection criteria for the analysis of the ICC's jurisdiction regarding non-international armed conflicts.

The Results. Is carried out a historical and legal description of the adoption of the Rome Statute of the ICC, as well as considered crimes that define the jurisdiction of the Court.

Novelty. Is to identify and analyze the gaps in the regulation of non-international armed conflicts. For example, some provisions regarding the use of weapons in international armed conflicts are absent among the rules relating to non-international armed conflicts. It may be noted and other crimes which are limited exclusively to international armed conflicts: intentionally directing attacks and damage to the environment; attacking vulnerable places which are not military objectives; improper use of flags and other insignia; the use of human shields. Significant gaps in the qualification of war crimes related to an internal armed conflict is that there are no rules of international humanitarian law, which would regulate the prohibition of intentional exposure to starvation of the civilian population.

The practical significance. Based on the analysis of Articles 5 and 8 of the Statute of the ICC is developed a criteria for the classification of war crimes relating to internal armed conflicts: the crime of genocide, crimes against humanity, war crimes and the crime of aggression.