

IMPROVING THE LEGISLATION OF THE REPUBLIC OF UZBEKISTAN IN TERMS OF CRIMES AGAINST PEACE AND SECURITY OF MANKIND

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Abstract:

There is little doubt that crimes against peace and security of mankind are considered as heinous offences due to the fact that peace as well as security of mankind are conceived as pivotal objects of the criminal law. The authorities are persistently required to improve the legal system pertaining to this field. Thus, this article is devoted to matters of enhancing the legal norms in terms of this field.

Keywords: aggression, peace, security of mankind, genocide, ecocide, mass destruction weapons, penal code, war crimes, humanitarian laws, war customs, smuggling, law enforcement agencies.

INTRODUCTION

To commence with, it is not strenuous to figure out that there is a need for improvements in the legislations of Uzbekistan related to responsibility for committing crimes against peace and security of mankind owing to which several legal gaps exist in this sphere. With a view to upgrading our national legal system in all walks of life, the authority has to make some amendments in this direction as well. What is more, on account recent current affairs which are taking place around the globe for the time being, such kind of crimes against peace and security of humankind have become a topic of innumerable discussions and topped the list of the contemporary agenda. Unless we have taken certain preliminary actions, a great number of problems are likely to arise due to the aforementioned legal gaps. The war ongoing between The Federation of Russian and The Ukraine is indicating and urging us to amend the laws in terms of those crimes, such as mercenary. As is known to all, both the countries are allies of The Republic of Uzbekistan, besides that they were both a part of the

former Soviet Union. Thus a number of citizens of our country wittingly or unwittingly are attending armed actions, unfortunately. In order to prevent and reduce dire consequence of the current phenomenon as well as providing punishments for any kind of offence in this matter we ought to make our Criminal Code a perfect one, which correspond to the international law, which would serve us to provide justice, peace, furthermore, it would boost the reputation of the state in the international arena concerning legislation too.

The Republic of Uzbekistan has already accomplished important work in implementing crimes against the peace and security of mankind in its domestic criminal law but the opportunity to bring the Code into fuller conformity with international law, which arose in 2018, should not be missed. It has been suggested that the Chapter on crimes against the peace and security of mankind in the revised edition of the Criminal Code should contain, inter alia, a revised definition of the crime of aggression (including the crime of patriocide – that is, a criminal attempt to destroy a State's political, economic, or social organization), cover a broader range of war crimes committed in international and non-international armed conflicts, and include a fine-tuned corpus delicti of a public call for commission of a crime against the peace and security of mankind. Importantly, it has also been suggested to adjust Uzbekistan's position with respect to the principle of universal jurisdiction, and to incorporate crimes against humanity (under the title of criminal discrimination) in the Code's revised edition. If these proposals take effect, the revised edition of Uzbekistan's Criminal Code will be among the most advanced criminal laws in Independent States (cis) as far as the implementation of crimes under international law is concerned. To summarize, I would like to propose the following points to amend the law:

1. Apartheid. Although it is an occasion that can be rarely observed in our society, such kind of crime might take place. To add to it, our country is moving towards globalization,

a wide range of representatives of various races are visiting Uzbekistan. Hence, the need for deterring this crime arises. Therefore, this action must be criminalized.

2. **Public Call for the Commission of a Crime against the Peace and Security of Mankind.** The current Penal Code prohibits only call for war in article 150. It covers dissemination together with propaganda for war merely. It is too restricted. On condition that we replace the word war with the notion ‘crime against peace and security of mankind’ it will cover more matters.
3. **Aggression.** The term defined in the Criminal Code of the Republic of Uzbekistan is already outdated. Thus, it should be given a detailed definition including modern methods of aggression.
4. **Production, Acquisition or Sale of Weapons of Mass Destruction.** This action should be criminalized as well. In our current Penal Code there is no responsibility for this.
5. **Criminal Violation of International Humanitarian Law.** Article 152 of the current edition of the Penal Code of the Republic of Uzbekistan is devoted to criminal violation of international humanitarian law. However, based on this article these crimes can be committed against more than one people. Namely the law says that if there is one victim, it is impossible to prosecute the offender with this article.
6. **Genocide.** According to the Criminal Code of our country the term “Genocide” is too restricted and it conforms with the Convention. It does not include social along with political groups of the society.
7. **Crimes Against Humanity.** As is pretty comprehensible, the notion ‘humanity’ is alien to our legal system. In a way, this article is written in the Rome Statute.
8. **Ecocide.** Nowadays the issues about the ecology and environment have already become one of the most painful ones. Crimes related to this have already added to the domestic

laws of the states, not only developed ones but also the ex-Soviet Republics, embracing Kazakhstan.

9. Attacking Internationally Protected Persons or Organizations. This crime is stipulated in the draft code of the UN in terms of Crimes against Peace and security of Mankind.
10. Participation in a Foreign Armed Conflict. Such kind of act should be criminalized. To date there is no punishment for attending a variety of armed conflicts of foreign.
11. Mercenary Activity. This crime is described in Article 154. But it does not include training or financing for mercenary. There is no accountability for these offences which already exist in the laws of other states’.
12. Enrolment, Recruitment to the Military Service, Security Service, Police, Military Justice, or other Similar Organs of Foreign States. This type of crime is stipulated in article 154-1 in the Criminal Code of the Republic of Uzbekistan. The problem here is that an abstract notion “other similar organs” is used in this article. Thus, it can be interpreted in different ways because it is unknown which organs could be included.
13. Responsibility of Commanders and other Superiors and Superior Orders. In the legislation of a significant number of states this article exists. Yet this rule ought to be limited to war crimes.

There is no one definitive answer to why people commit crimes against peace and humanity, as there are many different factors that may contribute to individuals engaging in such behavior. Some possible reasons may include:

1. Ideology or belief system: Some individuals may engage in crimes against peace and humanity due to their extreme ideological or belief system.

2. Personal gain: Others may commit such crimes for personal gain, such as gaining wealth or power.

3. Revenge or retribution: Some people may feel a sense of vengeance or retribution towards those they perceive as having wronged them or their group, leading them to engage in violent acts.

4. Lack of empathy or concern: Some individuals may lack empathy or concern for others, making it easier for them to engage in acts of violence or aggression.

5. Mental illness or instability: Some people who commit such crimes may have underlying mental illness or instability that drives them to engage in violent behavior. Overall, the reasons why people commit crimes against peace and humanity are complex and multifaceted, and vary from individual to individual.

There are several reasons for amending the legal system in terms of punishments for crimes against peace and humanity, including:

1. Deterrence: Stronger punishments can act as a deterrent and discourage individuals and groups from committing crimes against peace and humanity.

2. Accountability: Severe punishments can communicate a message of accountability and reinforce the idea that nobody is above the law.

3. Reconciliation: Tougher punishments can help facilitate reconciliation between victims and perpetrators of crimes against humanity by providing a sense of justice and closure.

4. International standards: Many countries have ratified international treaties that provide for punishment of crimes against humanity, and amending the legal system can align national laws with international legal standards.

5. Evolving nature of crimes: As crimes against peace and humanity evolve, the legal system must be updated to ensure effective and appropriate punishment and prevention.

Overall, amending the legal system in terms of punishments for crimes against peace and humanity can enhance justice, deterrence, and accountability while aligning national laws with international norms and addressing the evolving nature of these crimes.

If crimes against peace and humanity are not fought against and addressed, they can lead to severe consequences. Firstly, the perpetrators of such crimes may continue to carry out similar acts, leading to further bloodshed and human suffering. Secondly, crimes against peace and humanity can destabilize entire regions and have a ripple effect on neighboring countries, causing widespread conflict and displacement of people. They can also undermine the rule of law and erode the trust of citizens in their government and institutions. Overall, fighting crimes against peace and humanity is crucial to promoting justice, peace, and stability, and protecting the rights and dignity of all people.

References:

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