

BASIC DOCTRINAL APPROACHES ON THE CONCEPT OF WAR CRIMES IN INTERNATIONAL LAW

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The article analyzes the basic doctrinal approaches to understanding the notion of war crimes in international law. In this context, it also examines the problems of formation and development of the doctrine of international criminal responsibility. Analyzes the norms of international conventions and the Statute of the International criminal court, in particular, their impact on the regulatory basis of the notion of war crimes.

An attempt is made to establish the influence of war crimes by the international criminal responsibility. In the formation of the doctrine of international criminal responsibility focused on the personal responsibility of persons guilty of war crimes. However, it should be emphasized that an important attempt to improve the international system of responsibility for violation of the law of war were made after the end of the First world war. However, if there is no indication on the possibility of establishing an international military Tribunal, it is explained and clear: everything described pre-judgments and conclusions were made in the late XIX century, when the development of international criminal responsibility of individuals were only at the initial stage of scientific studies that relied only on some international acts. International lawyers sought to justify the need for further humanization of the sphere of armed struggle, but to confirm their findings, they could use a very small number of international legal instruments. Such as the St. Petersburg Declaration on the abolition of the use of explosive and incendiary bullets (1868); Geneva Convention for the amelioration of the condition of the wounded and sick in armed (1864), which was extended and expanded in 1906; The Hague Declaration on the use of projectiles with the sole purpose to spread poisonous gases and on the use of bullets, easily expandable or plushevaya (1899); the Hague Convention on laws and customs of war (1907). The peculiarity is that neither international law, nor to the scientific doctrine of that period failed to act on the awareness of the need for a total ban of international crimes, and the most dangerous of them – aggressive war. They could not take the position that international criminal responsibility for committing military offences should be assigned to specific organizers and performers. Accordingly, and was the emergence and development of international law in the field of international criminal responsibility and in the field prodid war crimes.

Key words: doctrine, war crimes, international law, international Convention, Statute of the international criminal court.