THE SUPREME SCHOOL OF JUDGES UNDER
THE SUPREME JUDICIAL COUNCIL OF THE REPUBLIC
OF UZBEKISTAN

Z.A.Amirov

HISTORY OF FORMATION OF INTERNATIONAL COURTS AND APPLICATION OF INTERNATIONAL LAW NORMS IN NATIONAL COURTS

Methodological recommendation

Tashkent-2022

Recommended as a study guide based on the order No. 388 of the Ministry of Higher and Secondary Specialized Education of the Republic of Uzbekistan dated November 25, 2022.

УДК:347(075.8)
ББК: 67.910.822
А 111

Amirov Z.A.
History of formation of international courts and application of international law norms in national courts. Study guide. – Tashkent. Publisher “Lesson press”. 2022. – 154P.

Responsible editor:
G. Yuldasheva – Doctor of Laws, Professor.

Reviewers:
B.B.Samarkhodzhaev – Doctor of Laws, Professor, Head of the Department at Supreme School of Judges.
F.Miruktamova – Doctor of Philosophy, Acting Associate Professor of the Department of “International Law and Human Rights” at Tashkent State University of Law.
N.Dadabaeva – Acting Associate Professor of the Department of “Professional Skills” at Supreme School of Judges.

This study guide describes international courts and their types, the history of the formation of international courts, sources of international law, especially the application of international law by courts, international human rights mechanisms. Cases on problematic situations in each judicial area were also prepared and explained according to specific practical examples using the norms of national and international law.

The study guide is intended for judges, official organizations related to legal science and law enforcement, higher education and scientific research institutions specializing in jurisprudence, doctoral students, researchers, 5A240121 – Judicial activity (by types of activity) undergraduate and graduate students, and a general public who are directly interested in the application of international law norms in courts.

CONTENTS

Introductory word 4

1. Formation of international courts and stages of their historical development 6

2. International legal framework for the activity of international courts 45

3. International mechanisms for the protection of human rights 55

4. Application of norms of international law in national courts and its specific features 78

5. Cases related to judicial practice 89

6. List of bilateral international agreements of the Republic of Uzbekistan in the field of legal assistance 132

7. List of valid international treaties on avoidance of double taxation signed by the Republic of Uzbekistan 141

8. Organizational chart 142

9. Abbreviations 143

10. Basic concepts (glossary) 143

11. References 148

INTRODUCTORY WORD

"Human rights are protected not only at the national but also at the international level".

Zafar Amirov.

It is known that any state that has chosen the path of democratic development faces a great task, first of all, to ensure the priority of human rights in all aspects, to raise a culture of respect for human rights in the life of society, to form in their hearts a worldview of life based on the Constitution and laws. However, the most important feature of a democratic constitutional state is human rights.

From this point of view, the promotion, protection and observance of human rights in Uzbekistan are priority areas of state policy. The issue of ensuring the priority of human rights and freedoms in our country is becoming the main criterion for democratic reforms aimed at creating comfortable and decent living conditions for our people.

Within the framework of the Action Strategy in five priority areas of development of our country in 2017-2021, about 300 laws and more than 4 thousand resolutions of the President of the Republic of Uzbekistan were adopted over the past period, aimed at adopting fundamental reforms in all spheres of state and public life.

Systematic work was also carried out to ensure human rights, strengthen the accountability and openness of state bodies, increase the role of civil society institutions, the media, the political activity of the population and public associations. In continuation of these measures, the development strategy of New Uzbekistan for 2022-2026 defines specific targeted measures in the field of personal, political, economic, social and cultural rights[1]. In continuation of these measures, the development strategy of New Uzbekistan for 2022-2026 defines specific targeted measures in the field of personal, political, economic, social and cultural rights.

In addition, in the coming decade, the first task to be completed, aimed at improving and strengthening the judicial system and expanding

1. Decree No. PF-60 of the President of the Republic of Uzbekistan "On the Development Strategy of New Uzbekistan for 2022-2026", dated January 28, 2022.

access to a fair trial, is defined as "achieving a wider application of the principles and norms of international law and international treaties of the Republic of Uzbekistan in the activities of the courts.[2]"

Indeed, in order to ensure effective protection of human rights, freedoms and legitimate interests, it is necessary to deepen and consistently continue democratic reforms in all spheres of our society.

In particular, it is considered necessary to further expand the practice of applying the norms of international human rights treaties by courts and law enforcement agencies. The application by the courts of the norms of international human rights treaties is of great importance in ensuring justice. It is known that judges are the guarantors of the protection of human rights in any democratic society. In this regard, judges are responsible to citizens and are obliged to ensure a high level of transparency in their activities on the basis of relevant national and international legal requirements and ethical standards.

In the requirements of the Decree of the President of the Republic of Uzbekistan "On approval of the national strategy of the Republic of Uzbekistan in the field of human rights" No. PF-6012, adopted on June 22, 2020, the task of the court is to further expand the application of the norms of international human rights treaties in judicial practice. Based on the tasks set in this decree, we set the goal of preparing this study guide. In addition, we scientifically and theoretically analyzed international legal sources of international courts and their activities, international mechanisms for the protection of human rights, the views expressed by domestic and foreign scientists on the application of international law in national courts and its specific features.

2. Shavkat Mirziyoev. Development strategy of New Uzbekistan. Independent and fair judicial system. - Tashkent: 2021. Page 107.

1. FORMATION OF INTERNATIONAL COURTS AND STAGES OF THEIR HISTORICAL DEVELOPMENT

Ensuring international peace and security is one of the main tasks of international law. Although, ethical concerns have stimulated its development and contributed to its growth, international law has been seen by the international community primarily as a means of ensuring peace, establishing and maintaining security throughout the world. According to Article 2 (3) of the Charter of the United Nations, in the event of disputes and conflicts, states must resolve such differences by peaceful means in such a way that there are no threats to international peace, security and justice[3].

It is fair to say that the international methods of resolving disputes and conflicts fall into two categories: diplomatic procedures and international adjudication. Diplomatic procedures involve an attempt to resolve differences, either by contending parties themselves or with the aid of other entities by the use of the discussion and fact-finding methods. The procedure of the trial includes the decision made in the arbitration procedure or by the decision of the judicial authorities on relevant legal and practical issues[4].

Diplomatic procedures of dispute resolution include negotiation, good offices and mediation, inquiry and conciliation.

(1) Negotiation

Of all the procedures used for dispute resolution, negotiation is the simplest and most commonly used form. It involves interested parties discussing an issue with the aim of reconciling divergent opinions, or at least understanding different positions. However, it does not involve any third parties and is different from other forms of dispute resolution. In addition, negotiations are considered to be a very proactive method of regulation, and they usually precede other forms of regulation that the parties mutually decide upon. It is through mutual negotiations that the essence of conflicts is revealed and conflicting points of view are identified. Negotiation is the most

3. https://www.un.org/ru/about-us/un-charter/full-text
4. Малкольн Шоу – 1894 - 1898

satisfactory means of dispute resolution, as the parties are directly involved in this process. Of course, negotiations are not always successful. This is because they really depend to a certain extent on the mutual willingness, flexibility and ingenuity of the parties involved.[5]

(2) Good offices and mediation

Good offices is the method of dispute resolution in which a third and neutral party not involved in the dispute, on its own initiative or at the request of the parties of the dispute, enters into the resolution process. The purpose of good offices is to establish or renew contacts between the parties. At the same time, the party providing good offices does not participate in the negotiations themselves; its task is to facilitate the interaction of the disputing parties.

Unlike the methods of arbitration and litigation, this process is aimed at encouraging the parties of the dispute to independently reach the settlement conditions.

Through mediation, the parties in the dispute elect a third party (a state, a representative of an international organization), which participates in the negotiations as an independent participant.[6]

(3) Inquiry commissions or conciliation

In international disputes that do not affect essential interests of states and arising from disagreements in assessing the factual circumstances of the situation, parties have the right to establish a special international body - an inquiry commission to clarify questions of facts. The investigation by the commission is carried out in an adversarial manner. The parties, within the established time limits, state the facts to the commission, submit the necessary documents, as well as a list of witnesses and experts to be heard. The commission may request additional materials from the parties. During the trial, witnesses are interrogated. After parties present all the explanations and evidence, and all the witnesses are heard, the

5. Малкольм Шоу – 1898

6. В.Т. Батычко. Международное право/Конспект лекций. Таганрог: ТТИ ЮФУ, 2011. // Лекция 14. Право международной безопасности//14.5. Международно-правовые средства разрешения международных споров., стр 85

investigation is declared completed, and the commission draws up a report. The commission`s report is limited to establishing the facts and has no force of judgment or arbitration. The parties have the right to use the decision of the commission at their own discretion. Conciliation commissions, as a rule, are not limited only to the establishment facts, but also offer a possible solution to the disputed issue. However, unlike arbitration and litigation, final decision on the case is made by the parties of the dispute themselves.

Under the provisions of the Peaceful Settlement International Disputes Act 1985, the Permanent Conciliation Commission consists of five members. One member of the commission is appointed by the disputing parties, the other three are elected from among the nationals of third countries. In case of difficulty in choosing members, their appointment may be entrusted to the President of the UN General Assembly, or third states[7].

Adjudication, in contrast to diplomatic methods, have a mandatory nature of the execution of decisions. As Jennings argued, "litigation can serve not only to resolve classic legal disputes, but can also serve as an important tool for preventive diplomacy in more complex situations."[8] Adjudication can be carried out through judicial settlement of the case by an international court or through arbitration.

(1) International courts

International courts and tribunals are judicial bodies composed of independent judges tasked with adjudicating international disputes on the basis of international law in accordance with a predetermined set of rules of procedure and rendering judgments binding on the parties.[9] International courts can be permanent (institutional) and formed specifically to consider a particular dispute ("ad hoc").[10]

7. В.Т. Батычко. Международное право/Конспект лекций. Таганрог: ТТИ ЮФУ, 2011. // Лекция 14. Право международной безопасности//14.5. Международно-правовые средства разрешения международных споров, стр 87

8. R. Y. Jennings, 'Presentation', in Increasing the Effectiveness of the International Court of Justice (ed. C. Peck and R. S. Lee), The Hague, 1997, p. 79

9. Max Planck Encyclopedias of International Law – https://opil.ouplaw.com/view/10.1093/law:epil/9780199231690/ law-9780199231690-e35

10. https://www.justice.gov/jmd/ls/international-courts#international

The creation of the concept of international courts was the culmination of a long process of developing methods of peaceful settlement of international disputes.

The most important prerequisite for the creation of the concept of the development of the judicial process for the settlement of international disputes was the general desire of states to maintain world peace. The Hague Peace Conference of 1899, convened at the initiative of the Russian Tsar Nicholas II, marked the beginning of the negotiations on how peace and security in the world can be preserved and maintained for a long time. In addition to the leading Western countries, some Asian countries also participated in the conference. The culmination of the conference was the adoption of the Convention on the Peaceful Settlement of International Disputes.

The most important innovation of the 1899 Convention was the creation of a permanent mechanism that would allow the creation of courts for the settlement of international disputes. This institution, known as the **Permanent Court of Arbitration,** essentially consisted of a panel of lawyers appointed by each state that accedes to the Convention. The Convention also established a permanent bureau, located in the Hague, with functions corresponding to those of a clerk`s office or secretariat, and established a set of rules of procedure to govern the conduct of a case. The Convention, on the other hand, "systematized" the law and practice of conducting the case, thereby placing them on a clearer and more generally accepted

basis. Permanent Court of Arbitration was founded in 1900 and began operating in 1902.[11]

Despite the fact that the Permanent Court of Arbitration was not permanent, that is, states could not be held liable before the court without their own consent, the idea of a permanent court inspired statesmen and lawyers to create an international judicial tribunal. However, no long-term concrete steps were taken before the end of the First World War. In 1919, the Treaty of Versailles created the first kind of international organization "to promote international cooperation and achieve peace and security" - the League of Nations[12].

The Covenant of the League of Nations required the formulation of proposals for the creation of a world court, and in 1920 the **Permanent Court of International Justice (hereinafter referred to as PCIJ)** was established. The Permanent Court of International Justice was intended to provide a fairly comprehensive system of services to the international community. It was conceived as a way to prevent outbreaks of violence by providing easily accessible dispute resolution methods within the context of a binding legal and institutional framework.[13] Article 14 of the Charter of the League of Nations provided the Council of League with the responsibility of making plans for the establishment of a PCIJ, which would be competent not only to consider and resolve disputes of an international character submitted to it by the parties to the dispute, but also to give an advisory opinion on disputes submitted to it by the Council or Assembly of the League of Nations[14].

Between 1922 and 1940, the PCIJ considered 29 contentious cases between states and issued 27 advisory opinions. At the same time, several hundred treaties, conventions and declarations provided jurisdiction for the PCIJ over certain categories of disputes. Any remaining doubts as to whether a permanent international judicial tribunal could function practically and effectively were thus dispelled.

11. https://www.icj-cij.org/en/history
12. https://www.un.org/en/about-us/history-of-the-un/predecessor
13. Малкольм Шоу - 1983
14. Article 14 of the Covenant of the League of Nations

The Court`s value to the international community was demonstrated in many different ways, most notably by its development of due process. This found expression in the Rules of Court, which the PCIJ originally drew up in 1922 and subsequently revised three times, in 1926, 1931 and 1936. There was also an Ordinance on the Judicial Practice of the Court, adopted in 1931 and revised in 1936, which set out the internal procedure to be followed in each case before the Court. In addition to helping to resolve international disputes, many of the rules are the consequences of the First World War, the judgments of the PCIJ clarified or contributed to previously obscure areas of international law.[15]

The outbreak of World War II in September 1939 inevitably led to serious consequences. Since its last public meeting on December 4, 1939, and the last decision of February 26, 1940, the PCIJ had not considered a single new case, which marked its inefficiency. But at the same time, the need for a powerful and authoritative court to maintain the international political order remained relevant[16]. In addition, the outbreak of World War II marked the failure and inability of the League of Nations to fulfill its main function – ensuring peace.

The successor of the League of Nations was the **United Nations (hereinafter referred to as UN),** which was established with an identical purpose, but by eliminating the shortcomings and failures of the League of Nations. The UN Charter was adopted at a conference in San Francisco on June 26, 1945 and entered into force on October 24, 1945. The UN Charter is a universal international treaty, which establishes the foundations of current international legal order.

The aims of the UN, set out in Article 1 of the Charter, are as follows:

1. To maintain international peace and security and to take effective collective measures to prevent and eliminate threats to the peace and suppress acts of aggression or other breaches

15. https://www.icj-cij.org/en/history
16. https://www.icj-cij.org/en/history

of the peace, and to settle or resolve international disputes by peaceful means, in accordance with the principles of justice and international law;

2. To develop friendly relations among nations based on respect for the principle of equality and self-determination, and take other appropriate measures to strengthen world peace;

3. To carry out international cooperation in resolving international problems of an economic, social, cultural and humanitarian nature and in promoting and developing respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion, and

4. To perform a central function for coordinating the actions of nations in the pursuit of these common goals.[17]

The UN Charter is not only a multilateral agreement that reflects and defines the rights and obligations of the countries that have signed it, but also the UN Constitution, which defines its tasks and limitations. In accordance with Article 2 (7) of the UN Charter, UN cannot interfere in internal matters that are essentially within the national jurisdiction of any state[18].

To achieve these goals, the UN acts in accordance with the following principles: sovereign equality of UN members; conscientious fulfillment of obligations under the UN Charter; settlement of international disputes by peaceful means; renunciation of the threat or use of force against territorial integrity or political independence, or in any manner inconsistent with the UN Charter; non-interference in the internal affairs of states; assisting the UN in all actions taken under the Charter, ensuring by the Organization such a position that states that are not members of the UN act in accordance with the principles set forth in the Charter[19].

Under the UN Charter, the PCIJ was replaced by the **International Court of Justice (hereinafter referred to as ICJ),** Article 92 of

17. UN Charter - https://www.un.org/ru/about-us/un-charter/full-text
18. UN Charter - https://www.un.org/ru/about-us/un-charter/full-text - Article 2
19. Международное право 112стр

the Charter defines it as the "principal judicial body" of the United Nations. In fact, it is a continuation of the PCIJ, with practically the same statute and jurisdiction, and with a continuous line of cases, without distinction between the cases decided by the PCIJ and the cases of the International Court of Justice.[20] The International Court of Justice exercises judicial and advisory functions. The Court functions in accordance with the Statute, which is part of the Charter, and its Rules. It started operation in 1946. The seat of the Court is in the Palace of Peace in the Hague (Netherlands)[21].

The UN International Court of Justice is entrusted with a dual function: resolving disputes, submitted to it for consideration by states, in accordance with international law (adjudication function); creation of advisory opinions on legal issues sent to it by duly authorized international bodies and organizations (advisory function).

Sources of applicable law: the International Court of Justice resolves cases in accordance with applicable international treaties and conventions, international customary law, general principles of law and, as an aid, relies on judicial precedents and doctrines of the most qualified specialists in public law[22].

Only states may appear as parties to disputes before the ICJ. The Court is competent to deal with a dispute only if the States have recognized its jurisdiction in one or more of the following ways: by concluding among themselves a special agreement on submitting the dispute to the Court; by concluding a jurisdictional clause, i.e. usually if they are parties to a treaty containing a provision whereby, in case of disagreement as to its interpretation or application, one of them may submit the dispute to the Court; by ratifying one of the 300 treaties or conventions containing a provision of this kind; by virtue of the unilateral declarations made by them under the Statute, whereby each State agreed to the compulsory nature of the jurisdiction of the Court

20. Малкольм Шоу – 1983 - 1984

21. https://www.un.org/ru/icj/

22. Statute of the International Court of Justice - https://www.un.org/ru/icj/statut.shtml - Article 38

in the event of a dispute with another State which had made a similar declaration. Declarations by 74 States currently remain in force, a number of which contain exclusion clauses for certain categories of disputes; if a State has not accepted the jurisdiction of the Court at the time the application is made against it, that State may accept jurisdiction over that particular case, which would allow the Court to consider the dispute, since it would thus have jurisdiction from the date of its recognition on the basis of the forum prorogatum rule[23].

The ICJ is composed of 15 judges elected for a nine-year term by the General Assembly and the UN Security Council, who vote simultaneously but independently of each other. It may include no more than one judge from any state. Elections are held for one-third of the seats every three years. Retiring judges may be re-elected for a new term. The members of the Court are not representatives of their governments, but independent judges. Judges are elected by the General Assembly and the Security Council.

If, after the first meeting held for the purpose of election, one or more seats remain unfilled, a second and, if necessary, a third meeting shall be held[24].

Current members of ICJ are:

- *Joan E. Donoghue (USA);*
- *Kirill Gevorgian (Russian Federation);*
- *Peter Tomka (Slovakia);*
- *Ronny Abraham (France);*
- *Mohamed Bennouna (Morocco);*
- *Abdulqawi Ahmed Yusuf (Somalia);*
- *Xue Hanqin (China);*
- *Julia Sebutinde (Uganda);*
- *Dalveer Bhandari (India);*
- *Patrick Lipton Robinson (Jamaica);*
- *Nawaf Salam (Lebanon);*

23. https://www.icj-cij.org/public/files/the-court-at-a-glance/the-court-at-a-glance-ru.pdf - 2021г

24. https://www.icj-cij.org/public/files/statute-of-the-court/statute-of-the-court-ru.pdf - Articles 9-12

- *Iwasawa Yuji (Japan);*
- *Georg Nolte (Germany);*
- *Hilary Charlesworth (Australia)*[25]

Article 38 (1) of the Statute of the International Court of Justice is widely recognized as the most authoritative and complete statement on the sources of international law. It provides that:

The Court, whose function is to decide, in accordance with international law, disputes submitted to it, shall apply: (a) international treaties and conventions, laying down rules expressly recognized by the disputed States; (b) international customary law as evidence of a general practice accepted as law; (c) general principles of law recognized by civilized countries; (d) subject to the provisions of Article 59, judicial decisions and the teachings of the most qualified publicists of various countries, as an aid to the determination of the rules of law.

While this formulation is technically limited to the sources of international law to be applied by the International Court of Justice, in fact, since the function of the Court is to resolve disputes referred to it "in accordance with international law" and since all Member States of the United Nations are ipso facto parties Statute by virtue of Article 93 of the United Nations Charter (non-UN member states can specifically become parties to the Statute of the Court: Switzerland was the most obvious example of this until it joined the UN in 2002), there is widely accepted view that the Statute expresses a universal view on the listing of sources of international law[26].

In addition to the ICJ, the UN has five other main bodies, including the Security Council, the General Assembly, the Economic and Social Council, the Trusteeship Council and the Secretariat[27].

Security Council

The Council was conceived as an effective executive body with a limited membership, functioning continuously. It was given primary responsibility for the maintenance of international peace and

25. https://www.icj-cij.org/en/current-members
26. Малькольм Шоу – Международное право – стр 340
27. UN Charter - https://www.un.org/ru/about-us/un-charter/full-text - Article 7

security. The Security Council has fifteen members, five of which are permanent members (USA, UK, Russia, China and France). Only the "big five" permanent members of the Council have the right to veto. The remaining 10 members are elected by the General Assembly for a two-year term based on geographical representation. List of 10 member countries as of 2022: Albania (2023), Brazil (2023), Gabon (2023), Ghana (2023), India (2022), Ireland (2022), Kenya (2022) , Mexico (2022), Norway (2022), United Arab Emirates (2023).

When a threat to the peace is brought before the Council, it usually first calls on the parties to reach an agreement by peaceful means.

If armed actions break out, the Council will try to defuse the conflict.

After that, the Council can send peacekeeping missions to troubled areas or decide to introduce economic sanctions and embargoes (Spanish. — "ban". More information is in the glossary) to restore peace.

All peace-loving countries that undertake the obligations stipulated in the UN Charter and, in the opinion of the Organization (UN), accept and wish to fulfill these obligations can become Members of the Organization. Admission of any country to the Organization's membership is carried out by a decision of the General Assembly in accordance with the recommendation of the Security Council (Article 4 of the UN Charter).

If the Security Council has taken measures of a warning or coercive nature against any Member of the Organization, the General Assembly shall have the right to suspend the exercise of the relevant rights and privileges as a Member of the Organization, in accordance with the recommendation of the Security Council. The use of these rights and privileges may be restored by the Security Council (Article 5 of the UN Charter).

A Member of the Organization who has consistently violated the principles set forth in the UN Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council (Article 6 of the UN Charter).

The Security Council shall determine the existence of any threat to the peace, any breach of the peace or any act of aggression and

shall make recommendations or decide what measures should be taken in accordance with Articles 41 and 42 for the maintenance or restoration of international peace and security (Article 39 of the UN Charter).

The Security Council is authorized to require the interested parties to take such measures as it deems necessary and desirable before making recommendations or taking measures under Article 39 to prevent the deterioration of the situation. Such interim measures shall not prejudice the rights, claims or position of the interested parties. The Security Council shall take due account of the non-implementation of these interim measures (Article 40 of the UN Charter).

The Security Council is empowered to decide what measures, not involving the use of armed force, should be taken to implement its decisions, and it may require the Members of the Organization to take such measures. These measures may include complete or partial suspension of economic relations, rail, sea, air, mail, telegraph, radio or other means of communication, as well as severance of diplomatic relations (Article 41 of the UN Charter).

If the Security Council considers that the measures provided for in Article 41 may be insufficient or insufficient, it is empowered to take the necessary measures to maintain or restore international peace and security by means of air, sea or land forces. These measures may include demonstrations, blockades and other operations of the air, sea or land forces of the Members of the Organization (Article 42 of the UN Charter).

In order to contribute to the maintenance of international peace and security, all members of the organization undertake to provide at the discretion of the Security Council, at its request and in accordance with a special agreement or agreements, the necessary armed forces, assistance and related services for the maintenance of international peace and security, including the right to pass through its territory (Article 43 of the UN Charter).

Pursuant to Article 27 of the Charter, decisions of the Security Council on proceedings shall be deemed to have been adopted when nine members of the Council have voted in favour.

Decisions of the Security Council on all other matters shall be deemed to have been adopted when nine members of the Council, including the equal votes of all the permanent members of the Council, have voted. In this case, the disputing party shall abstain from voting in decision-making based on Chapter VI and Article 52, Clause 3.

For Security Council resolutions to be adopted, nine members of the Council must vote in favor. If one of the permanent members votes against, the resolution (decision) will not be adopted.

The Council has the power to establish subsidiary bodies in accordance with Article 29 of the Charter and currently has three standing committees. There are also a number of ad hoc committees and working groups such as the Board of Governors of the United Nations Compensation Commission established pursuant to Security Council resolution 692 (1991), the Counter-Terrorism Committee and the Committee established pursuant to resolution 1540 (2004). which obliges states, among other things, to refrain from supporting, by any means, non-state actors in the development, acquisition, production, possession, transport, transfer or use of nuclear, chemical or biological weapons and their delivery systems. There are also a number of sanctions committees covering individual States subject to sanctions, as well as a committee established pursuant to resolution 1267 (1999) in relation to persons and entities associated with Al-Qaida. Other subsidiary bodies include the Peacebuilding Commission, the UN Compensation Commission, and the International Criminal Tribunals for the former Yugoslavia and Rwanda[28].

General Assembly

The General Assembly is the parliamentary body of the United Nations and is composed of representatives of all Member States.

1. The General Assembly is authorized to consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and to make recommendations in

28. Малкольм Шоу – Международное право.

respect of these principles to the Members of the Organization or the Security Council, or both the Members of the Organization and the Security Council.

2. The General Assembly is empowered to discuss any question relating to the maintenance of international peace and security brought before it by any Member of the Organization or by the Security Council or by a State which is not a Member of the Organization, in accordance with Article 35, paragraph 2, and subject to the exceptions provided for in Article 12 make recommendations in respect of any such matters to the State or States concerned or to the Security Council, or to both the Security Council and the State or States concerned. Any such matter requiring action shall be referred by the General Assembly to the Security Council either before or after discussion.

3. The General Assembly may draw the attention of the Security Council to situations that could threaten international peace and security[29].

Each Member of the General Assembly has one vote.

Decisions of the General Assembly on important matters are taken by a two-thirds majority of the members of the Assembly present and voting. These matters include: recommendations for the maintenance of international peace and security, election of non-permanent members of the Security Council, election of members of the Economic and Social Council, election of members of the Trusteeship Council, in accordance with paragraph 1c of Article 86, admission of new Members to the United Nations, suspension of rights and privileges of the Members of the Organization, exclusion from the Organization of its Members, matters relating to the operation of the guardianship system, and budgetary matters.

Decisions on other issues, including the determination of additional categories of issues to be decided by a two-thirds majority, are taken by a simple majority of those present and voting[30].

The Assembly has established many bodies covering a wide range of topics and activities. It consists of six main committees, which deal

29. UN Charter - https://www.un.org/ru/about-us/un-charter/full-text - Article 12
30. UN Charter - https://www.un.org/ru/about-us/un-charter/full-text - Article 18

respectively with: disarmament and international security; economic and financial; social, humanitarian and cultural; particular political and decolonization; administrative and budgetary; and legal issues. In addition, there is a procedural General Agenda Committee and a Credentials Committee. There are also two standing committees dealing with intersessional administrative and budgetary matters and contributions, and a number of subsidiary, ad hoc and other bodies dealing with related topics, including the International Law Commission, the United Nations Commission on International Trade Law. The Human Rights Council, established in 2006, is elected by and is accountable to the Assembly[31].

Much of the work of the United Nations in the economic and social fields is carried out by the **Economic and Social Council (ECOSOC).** It can discuss a wide range of issues, but its powers are limited and its recommendations are not binding on UN member states. It is composed of fifty-four members elected by the Assembly for a rotating three-year term, and each member has one vote. In accordance, the Council may initiate or conduct studies on a number of issues and make recommendations to the members of the Council. General Assembly, UN members and relevant specialized agencies. It may prepare draft conventions for submission to the Assembly and convene international conferences. The Council has created a variety of subsidiary bodies, from nine functional commissions to five regional commissions, as well as a number of standing committees and expert bodies[32].

The Council also runs many programs, including the Environment Program and the Drug Control Program, and has established a number of other bodies such as the Office of the United Nations High Commissioner for Refugees and the United Nations Conference on Trade and Development. Its most important function was to create a wide range of economic, social and human rights bodies[33].

The Trusteeship Board was established to oversee the Trust Territories established after the end of World War II. Such territories

31. Мальколм Шоу – Международное право стр 2260
32. UN Charter - https://www.un.org/ru/about-us/un-charter/full-text - Article 62
33. https://www.un.org/en/ecosoc/about/strengtheningofecosoc.shtml

were to consist of mandated territories, territories separated from enemy states as a result of World War II, and other territories voluntarily placed under a trusteeship system by the administering authority. The only formerly mandated territory that was not placed under the new system and gained independence was South West Africa. With the independence of Palau, the last remaining trust of the territory, October 1, 1994, the Council suspended work on November 1 of that year[34].

The UN Secretariat is made up of the Secretary General and his staff and is effectively an international civil service. Personnel are appointed under Article 101 on the basis of efficiency, competence and good faith, "due consideration" being given to "the importance of recruiting personnel on as wide a geographical basis as possible". In accordance with Article 100, all Member States pledged to respect the exclusively international nature of the duties of the Secretary-General and his staff, who should not seek or receive instructions from any body other than the UN organization itself.[35]

The Secretary General is appointed by the General Assembly on the unanimous recommendation of the Security Council and is the chief administrative officer of the United Nations. Accordingly, he (or she) must be a character acceptable to all permanent members, and this, in terms of effectiveness, is vital. Much depends on the personality and views of the particular official, and the role of the Secretary-General in international affairs tends to vary according to the nature of the person concerned[36].

The League of Nations, created in 1920 and abolished in 1946, left a legacy that functioned effectively throughout the existence of the League. In addition to the International Court of Justice, the UN also inherited the practice of the Administrative Tribunal.

The Administrative Tribunal of the International Labor Organization is the successor to the Administrative Tribunal of the League of Nations, which was empowered from 1927 to 1946 to

34. Малькольм Шоу – Международное право – стр 2261
35. UN Charter - https://www.un.org/ru/about-us/un-charter/full-text - Articles 100, 101
36. UN Charter - https://www.un.org/ru/about-us/un-charter/full-text – Article 97

hear complaints against the Secretariat of the League of Nations and the International Labor Office. Since 1947, the Tribunal has heard complaints from current and former officials of the International Labor Office and other international organizations that have accepted its jurisdiction. It is currently open to over 58,000 international civil servants, employees or former officials of 58 international organizations. The Tribunal is composed of seven judges of different nationalities. The Tribunal's case law includes over 4,400 judgments, available in English and French.

The Tribunal also served the International Labor Organization, which operates since 1919. A positive legacy of the League was the retention of the Tribunal and its transfer in 1946 to the ILO, which became a specialized agency of the newly created United Nations. The ILO, which was established to define and protect workers' rights, was the logical destination of the Tribunal, whose mandate was to ensure that officials employed by the institutions under its jurisdiction at the time, i.e. the League and the ILO, would enjoy protection from arbitrary actions taken against them by their employer. By the time of the transfer to the ILO, the Tribunal had considered 37 cases.

In 1949, at the thirty-second session of the International Labor Conference, Article II of the Statute of the Tribunal of the ILO was amended to allow other international organizations approved by the Governing Body of the International Labor Office to accept the jurisdiction of the Tribunal to hear complaints of non-compliance, in substance or form, with the conditions for the appointment of officers and regulations. However, disputes involving the United Nations Joint Staff Pension Fund fall under the jurisdiction of the United Nations Administrative Tribunal. In the same year, the World Health Organization adopted the Statute of the ILO Administrative Tribunal, prompting other specialized agencies of the UN system to do the same[37].

The tribunal is composed of seven judges, who must be of different nationalities, as is the case with the Administrative Tribunal of the

37. https://www.ilo.org/tribunal/about-us/lang--en/index.htm

League of Nations. They are appointed by the International Labor Conference on the recommendation of the Governing Body of the International Labor Office for a renewable term of three years. The Tribunal usually meets twice a year, in spring and autumn, for 3 to 4 weeks at ILO headquarters in Geneva. It delivers approximately 90 judgments at each session in cases which are usually dealt with in accordance with the procedure set out in articles 6, 8 and 9 of its Statute or in accordance with the simplified procedure provided for in article 7 of the Statute[38].

The Tribunal is served by a Registry, which includes a Registrar and a small team of legal officers. The Registry accepts documents submitted during the proceedings and responds to requests for information[39].

The UN has played an important role in the formation of international institutional courts and tribunals. In 1982, following the adoption of the «UN Convention on the Law of the Sea», at the initiative of the UN, an independent judicial body was established **– the International Tribunal for the Law of the Sea (ITLOS).** It has jurisdiction over any dispute concerning the interpretation or application of the Convention, as well as all matters specifically provided for in any other agreement which gives jurisdiction to the Tribunal. Disputes related to the Convention may relate to the delimitation of maritime zones, navigation, the conservation and management of the living resources of the sea, the protection and preservation of the marine environment, and marine scientific research.[40] The seat of the Tribunal is the city of Hamburg in the Federal Republic of Germany. The Statute of the Tribunal (the "Statute") is set out in Annex VI to the Convention. The Tribunal is composed of 21 judges chosen from among the recognized authorities in the field of maritime law. Judges are elected by the States Parties to the Convention for a term of nine years and may be re-elected. The composition of the Tribunal as a whole must ensure

38. https://www.ilo.org/wcmsp5/groups/public/-ed_norm/-relconf/documents/meetingdocument/wcms 498756.pdf

39. https://www.ilo.org/tribunal/lang--en/index.htm

40. https://www.itlos.org/en/main/latest-news/

the representation of the main legal systems of the world and an equitable geographical distribution (clause 2, article 2 of the Statute). It shall have at least three members from each geographical grouping established by the General Assembly of the United Nations. The States Parties to the Convention may apply to the Tribunal[41].

The course of two world wars marked the emergence of another institutional international court. After numerous cases of genocide and large-scale crimes against humanity, which are committed not by states, but by individuals, the world community, including the UN, took seriously the discussion of the establishment of an international criminal court that would be competent to consider cases against individuals for committing certain categories of crimes. against all mankind. Thus, the concept of individual criminal responsibility appeared[42].

The International Criminal Court (ICC), which jurisdiction is provided by the Rome Statute, is the first permanent international court established on a treaty basis to help end impunity for the many grave crimes committed by individuals in the 21st century. Even before the emergence of the ICC, in history there were special ad hoc (one-time) tribunals that were created specifically to investigate crimes committed only at a specific time and within a specific conflict. These ad hoc tribunals will be discussed in detail further.

The ICC is an independent international body in relation to the United Nations. The seat of the Court is the Hague, the Netherlands. Although it is financed primarily by the assessed contributions of participating States, it can also accept voluntary contributions from governments, international organizations, individuals, corporations and other entities[43].

The Court's jurisdiction is limited to the most serious crimes of concern to the entire international community. In accordance with this Statute, the Court shall have jurisdiction over the following crimes: a) the crime of genocide; b) crimes against humanity; c) war crimes; d) the crime of aggression[44].

41. https://www.itlos.org/fileadmin/itlos/documents/guide/1605-22024_Itlos_Guide_Ru.pdf
42. Малкольм Шоу – p863
43. https://www.icc-cpi.int/about
44. https://www.un.org/ru/law/icc/rome_statute(r).pdf – Article 5

Genocide. For the purposes of this Statute, "genocide" means any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group as such: (a) killing members of such a group; b) causing serious bodily or mental harm to members of such a group; c) deliberately creating for any group of such conditions of life, which are calculated for its complete or partial physical destruction; d) measures designed to prevent childbearing among such a group; e) forcible transfer of children from one human group to another[45].

Crimes against humanity. For the purposes of this Statute, "crime against humanity" means any of the following acts, when committed as part of a widespread or systematic attack against any civilian population, and if such attack is committed knowingly: a) murder; b) extermination; c) enslavement; d) deportation or forced displacement of the population; e) imprisonment or other severe deprivation of physical liberty in violation of fundamental norms of international law; f) torture; g) rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilization or any other form of sexual violence of comparable severity; h) the persecution of any identifiable group or community for political, racial, national, ethnic, cultural, religious, gender, or other grounds that are universally recognized as unacceptable under international law; i) enforced disappearance of people; j) the crime of apartheid; (k) other inhuman acts of a similar nature, consisting in the intentional infliction of severe suffering or serious bodily injury or serious damage to mental or physical health[46].

War crimes. The Court has jurisdiction over war crimes, in particular when they are committed as part of a plan or policy, or when such crimes are committed on a large scale. War crimes mean: (a) serious violations of the Geneva Conventions of 12 August 1949, namely any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention: (I) intentional murder; (II) torture or inhuman treatment, including biological experiments; (III) intentionally causing great suffering

45. https://www.un.org/ru/law/icc/rome_statute(r).pdf – Article 6
46. https://www.un.org/ru/law/icc/rome_statute(r).pdf – Article 7

or serious bodily injury or damage to health; (IV) Unlawful, wanton and large-scale destruction and appropriation of property not justified by military necessity; (V) compelling a prisoner of war or other protected person to serve in the armed forces of an enemy power; (VI) deliberately depriving a prisoner of war or other protected person of the right to a fair and regular trial; (VII) unlawful deportation or transfer or unlawful deprivation of liberty; (VIII) taking hostages; b) other serious violations of the laws and customs applicable in international armed conflicts within the established framework of international law, namely any of the following acts: i) deliberate attacks on the civilian population as such or on individual civilians not taking a direct part in hostilities; II) intentional attacks on civilian objects, i.e. objects that are not military targets; (III) deliberately targeting personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations while they are entitled to the protection accorded to civilians or civilian objects on the international law of armed conflicts; (IV) deliberately launching an attack when it is known that such an attack will cause incidental death or injury to civilians or damage to civilian objects, or extensive, long-term and severe damage to the natural environment that will be clearly out of proportion to the concrete and immediately anticipated overall military superiority; (V) attacking or bombarding undefended and non-military towns, villages, dwellings or buildings, by any means whatsoever; (VI) killing or injuring a combatant who, laying down his arms or no longer able to defend himself, has unconditionally surrendered; (VII) misuse of the flag of truce, the flag or military insignia and uniform of the enemy or the United Nations, and the distinctive emblems established by the Geneva Conventions, resulting in death or personal injury; (VIII) the transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of the population of the occupied territory, or portions thereof, within or outside that territory; IX) deliberately targeting buildings dedicated to religious, educational, artistic,

scientific or charitable purposes, historical monuments, hospitals and places of concentration of the sick and wounded, provided that they are not military targets; (X) infliction of physical injury or medical or scientific experiments of any kind on persons who are under the authority of the adverse party, which are not justified by the need for medical, dental or hospital treatment of the person concerned and are not carried out in his interests and which cause death or seriously threaten the health of such person or persons; xi) treacherously killing or injuring persons belonging to an enemy nation or army; xii) a declaration that there will be no mercy; xiii) destruction or seizure of enemy property, unless such destruction or seizure is strictly dictated by military necessity; xiv) declaring the rights and claims of citizens of the opposing party canceled, suspended or inadmissible in court; (XV) compelling citizens of the opposing side to take part in hostilities against their own country, even if they were in the service of the belligerent before the start of the war; xvi) pillage of a city or town, even if it is taken by storm; xvii) use of poison or poisoned weapons; xviii) the use of asphyxiating, poisonous or other gases and any similar liquids, materials or means; xix) the use of bullets that rupture or flatten easily in the human body, such as jacketed bullets whose hard jacket does not cover the entire core or is notched; xx) the use of weapons, munitions and equipment and methods of warfare of a nature that causes superfluous injury or unnecessary suffering or that is inherently indiscriminate in contravention of the rules of the international law of armed conflict, provided that such weapons, such munitions, such technology and such methods of warfare are subject to a comprehensive prohibition[47].

Crimes of aggression. Aggression is the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations[48]. The first use of armed force by a State in violation of the Charter is prima facie evidence of an act of aggression, although the Security

47. https://www.un.org/ru/law/icc/rome_statute(r).pdf – Article 8
48. Article 1 of General Assembly resolution 3314 (XXIX) of 14 December 1974

Council may, under the Charter, conclude that a determination that an act of aggression has been committed would not be justified in light of other relevant circumstances, including the fact that the relevant acts or their consequences are not sufficiently serious[49].

Any of the following acts, regardless of the declaration of war are qualified as an act of aggression:

a) an invasion or attack by the armed forces of a State on the territory of another State, or any military occupation, however temporary, resulting from such an invasion or attack, or any annexation by force of the territory of another State or part thereof;

b) bombardment by the armed forces of a state of the territory of another state or the use of any weapon by a state against the territory of another state;

c) blockade of the ports or coasts of a state by the armed forces of another state;

d) an attack by the armed forces of a state on the land, sea or air forces, or sea and air fleets of another state;

e) the use of the armed forces of one state located in the territory of another state by agreement with the host state, in violation of the conditions provided for in the agreement, or any continuation of their presence in such territory after the termination of the agreement;

f) the act of a state allowing its territory, which it has placed at the disposal of another state, to be used by that other state to commit an act of aggression against a third state;

g) the sending by or on behalf of a State of armed bands, groups, irregular forces or mercenaries who carry out acts of the use of armed force against another State that are of such a serious nature as to amount to the acts listed above, or its significant participation in them[50].

49. Article 2 of General Assembly resolution 3314 (XXIX) of 14 December 1974
50. Article 3 of General Assembly resolution 3314 (XXIX) of 14 December 1974

It should be noted that the International Criminal Court is not the first tribunal created for holding individuals accountable for crimes against peace, war crimes and crimes against humanity. As a result of the Second World War, twenty-four major political and military leaders of Nazi Germany, accused of aggressive war, war crimes and crimes against humanity, appeared before the International Military Tribunal. More than 100 additional defendants, representing many sections of German society, were brought before the US military tribunal at Nuremberg in a series of 12 trials known as the **"Nuremberg Subsequent Trials".**[51]

Beginning December 12, 1942, the governments of the Allied Powers announced their intention to punish Nazi war criminals.

In October 1943, US President - Franklin D. Roosevelt, British Prime Minister - Winston Churchill and USSR Secretary General - Joseph Stalin signed the Moscow Declaration on German atrocities. The statement said that during the armistice, Germans found guilty of atrocities, massacres or executions would be sent back to the countries where they had committed crimes. There they will be judged and punished according to the laws of the respective country. Major war criminals whose crimes have affected more than one country will be punished by a joint decision of the allied governments.

Although, some Allied political leaders favored extrajudicial executions of Nazi German leaders, the United States offered to try them instead. According to US Secretary of State - Cordell Hull: "conviction after such a trial would be consistent with the judgment of history, so that the Germans would not be able to claim that a guilty plea in the war was obtained from them under duress."

On August 8, 1945, the French Republic, USSR, the United Kingdom of Great Britain and Northern Ireland and the United States of America signed the London Agreement and Charter, also referred to as the Nuremberg Charter. The Charter created an International Military Tribunal to try German leaders.

Each of the four states that created the International Military Tribunal (hereinafter referred to as IMT) provided one judge, one

51. https://www.loc.gov/rr/frd/Military_Law/Nuremberg_trials.html

alternate judge and a prosecution team. Deputy judges participated in the work of the Tribunal, but did not have the right to vote in its decisions.

The Nuremberg Charter obliges the IMT to hold a fair trial and to grant certain rights to defendants. These included the right to speak and present evidence and witnesses[52]. It also included the right to cross-examine prosecution witnesses. The Nuremberg Tribunal became the original starting point for international criminal law. The Charter affirmed clearly and forcefully that "international law imposes duties and responsibilities on individuals as well as on states" because "crimes against international law are committed by human beings, not by abstract entities, and only the punishment of the perpetrators of such crimes can international law must be respected."[53]

After the experience of the Nuremberg Tribunals, any person, regardless of rank or state status, began to bear personal responsibility for any war crimes or serious violations committed, while the principle of command (or superior) responsibility means that any person in authority who ordered committing a war crime or a serious breach will be subject to the same liability as the subordinate who committed it.

As a consequence, it was the events in the former Yugoslavia that sparked a resurgence of interest in the creation of the concept of an international criminal court. The Yugoslav experience and the massacres in Rwanda in 1994 led to the creation of two special war crimes tribunals by using the powers of the UN Security Council to make decisions binding on all member states of the organization in accordance with Chapter VII of the Charter.

The International Criminal Tribunal for the Former Yugoslavia (ICTY) was the United Nations court that dealt with war crimes that occurred during the conflicts in the Balkans in the 1990s. During his mandate, which lasted from 1993 to 2017, it irreversibly

52. https://encyclopedia.ushmm.org/content/en/article/international-military-tribunal-at-nuremberg

53. Малкольм шоу – стр 863

changed the landscape of international humanitarian law, provided victims with the opportunity to voice the horrors they have witnessed and endured, and proved that those who are suspected of being most responsible for the atrocities committed during armed conflicts should bear the liability[54].

In its case-law judgments on genocide, war crimes and crimes against humanity, the Tribunal showed that the superior position of individuals can no longer protect them from prosecution.

It laid down the concept that those, who are most suspected of being liable for the atrocities committed can be held accountable, and that guilt must be individualized, protecting entire communities from being pinned on "collective responsibility."

The Tribunal laid the foundations for what is now the accepted norm for conflict resolution and post-conflict development around the world, in particular that leaders suspected of mass crimes will be brought to justice. The Tribunal has proven that effective and transparent international justice is possible.

Although most of the cases before the Tribunal concerned alleged crimes committed by Serbs and Bosnian Serbs, the Tribunal investigated and brought charges against persons of any ethnic origin. Croats, as well as Bosnian Muslims and Kosovar Albanians, were convicted for crimes against Serbs and others.

While its decisions demonstrate that all parties to the conflict committed crimes, the Tribunal attached the utmost importance to its fairness and impartiality. Evidence is the basis on which the prosecution presented the case. Judges ensured a fair and open trial by evaluating evidence to determine the guilt or innocence of the accused.

Designed as a special court, the Security Council approved the Tribunal's completion strategy for a phased and ordered closure.

Since 2003, the court has worked closely with local judiciaries and courts in the former Yugoslavia, working in partnership in an ongoing effort to ensure fairness.

Undoubtedly, the work of the Tribunal has had a great impact on the states of the former Yugoslavia. Simply by removing some of the

54. https://www.icty.org/

most high-profile and notorious perpetrators and bringing them to justice, the Tribunal has been able to rid itself of violence, help end impunity and help pave the way for reconciliation[55].

The second ad hoc criminal tribunal established by the United Nations Security Council was **the International Criminal Tribunal for Rwanda,** created in order to "prosecute those responsible for genocide and other grave violations of international humanitarian law committed in the territory of Rwanda and neighboring States between 1 January 1994 and 31 December 1994". The Tribunal is located in Arusha, Tanzania and has offices in Kigali, Rwanda. Its Appeals Chamber is located in The Hague, the Netherlands.

Since its inception in 1995, the Tribunal has indicted 93 individuals it held responsible for serious violations of international humanitarian law committed in Rwanda in 1994.

The defendants include high-ranking military and government officials, politicians, businessmen, as well as religious and militias, and media executives.

Together with other international tribunals and courts, the ICTR has played a pioneering role in establishing a credible international criminal justice system, producing a significant body of jurisprudence on genocide, crimes against humanity, war crimes.

The ICTR is the first ever international tribunal to pass sentences on genocide and the first to interpret the definition of genocide contained in the 1948 Geneva Convention. It is also the first international tribunal to define rape in international criminal law and recognize rape as a means of committing genocide.

Another milestone was the "media case" when the ICTR became the first international tribunal to hold media representatives accountable for broadcasts aimed at inciting the public to commit acts of genocide.

The ICTR delivered its final judgment on 20 December 2012 in the Ngirabatware case. Following this milestone, the remaining judicial work of the Tribunal is now the sole responsibility of the Appeals Chamber. As of October 2014, there was only one case

55. https://www.icty.org/en/about

pending before the ICTR Appeals Chamber, consisting of six separate appeals.

ICTR indicted Félicien Kabuga, Prote Mpiranha and Augustin Bizimane on charges of genocide and crimes against humanity, but to date the accused have evaded justice. The continued cooperation of national governments and the international community as a whole is of paramount importance for the successful capture of these fugitives[56].

In the international arena, there are territorially limited international courts, in addition to tribunals whose jurisdiction is limited to specific cases based on a specific situation. The creation of the United Nations prompted the creation of these courts.

It is known that one of the main goals of the UN is to ensure and observe human rights. After the establishment of the UN, the issue of human rights protection began to be seen not only as an internal matter of states, but also as a problem of international law. As a result, not only universal mechanisms for ensuring human rights within the UN, but also human rights protection systems within the regions were established. Today, different regions of the world have developed specific models for the protection of human rights, which include the European system, the American system, the African system, and the Arab system for the protection of human rights. Within these systems, mechanisms have been established taking into account the political, historical, and economic characteristics of each region, which are international (regional) human rights courts/commissions (the Inter-American Court of Human Rights, the African Court of Human Rights, the European Court of Human Rights , performs its activities through the Permanent Arab Commission on Human Rights. One such international court is the European Court of Human Rights, which not only announced the basic rights within the framework of human rights, but also established a unique mechanism for their protection.

The European Convention for the Protection of Human Rights and Fundamental Freedoms, which entered into force on September 3, 1953, created a special mechanism for the protection of human

56. https://unictr.irmct.org/en/tribunal

rights and freedoms in the territory of the member states of the Council of Europe[57]. On November 1, 1998, with the entry into force of Protocol No. 11, the **European Court of Human** Rights was established as a court on a permanent basis[58]. Individuals from Council of Europe countries may apply directly to the court. Since its inception, the court has considered hundreds of thousands of applications. Its decisions are binding on the countries concerned and have prompted governments to change their legislation and administrative practice in a wide range of areas. The case-law of the Court makes the Convention a modern and powerful living instrument to meet new challenges and strengthen the rule of law and democracy in Europe. The Court is based in Strasbourg, in the Palace of Human Rights, designed by British architect Lord Richard Rogers in 1995, a building whose image is known throughout the world. From here, the Court monitors the human rights of 830 million Europeans in the 47 member states of the Council of Europe that have ratified the Convention[59].

There is also a court that functions only on the territory of the Commonwealth of Independent States – **the Economic Court of the Commonwealth of Independent States** was formed in accordance with Article 5 of the Agreement On measures to ensure the improvement of settlements between economic organizations of the member countries of the Commonwealth of Independent States dated May 15, 1992.

The Agreement on the Status of the Economic Court of the Commonwealth of Independent States of July 6, 1992 (as amended by the Protocol of September 13, 2017), as well as the Regulations on the Economic Court of the Commonwealth of Independent States approved by this Agreement determine the competence, organization and activities of the Court.

The States Parties to the Agreement on the Status of the Economic Court of the Commonwealth of Independent States of July 6, 1992

57. https://www.echr.coe.int/documents/convention_rus.pdf
58. https://rm.coe.int/168007cdd5
59. https://www.echr.coe.int/Documents/Court_in_brief_ENG.pdf

(as amended by the Protocol of September 13, 2017) are the Republic of Belarus, the Republic of Kazakhstan, the Kyrgyz Republic, the Russian Federation and the Republic of Tajikistan[60].

Thus, it can be summarized that international courts are divided into permanent (institutional) and special one-time (ad hoc). Permanent (institutional) courts are also divided into international ones, that is, the jurisdiction of the court covers countries around the world or regional ones, whose jurisdiction is limited only to a certain territory.

(2) International arbitration

International arbitration deserves attention, if only because of its historical, contemporary and future practical importance, especially in business relations. For many centuries, arbitration has been the preferred means of resolving transnational commercial disputes, as well as other important categories of international disputes. The preference that companies show for arbitration as a means of resolving their international disputes has become even more pronounced in the past few decades as international trade and investment has grown. As international trade has expanded and become more complex, its main dispute resolution mechanism, international arbitration, has also emerged. In addition to its immediate practical importance, international arbitration deserves attention because it operates within the framework of international legal norms and institutions that - with remarkable and sustained success - provide a fair, neutral, expert and efficient means of resolving complex and contentious transnational problems. This structure allows private and public actors from various jurisdictions to jointly resolve deep-rooted and complex international disputes in a neutral, lasting and satisfactory manner. At best, the analyzes and mechanisms developed in the context of international commercial arbitration offer models, insights and promising perspectives for other aspects of international relations[61].

Although, international arbitration has similar features of litigation, the arbitration process itself has its own distinctive features. The main

60. http://sudsng.org/

61. Gary Born – International Commercial Arbitration – page 3

distinguishing feature of international arbitration is its private nature[62]. Businesses include international arbitration clauses in their commercial contracts with other businesses and thus choose arbitration as a way to resolve their potential dispute instead of litigation. An example is the model arbitration clause of the International Chamber of Commerce (ICC), which includes the following text:

"All disputes arising out of or in connection with this contract will be finally settled in accordance with the Rules of Arbitration of the International Chamber of Commerce by one or more arbitrators appointed in accordance with the said Rules.."[63]

The boundaries between arbitration and other means of resolving disputes were not always clearly drawn in the past. Rather, "arbitration" sometimes resembled a form of state-sponsored (or enforced) alternative dispute resolution that was more akin to litigation or administrative proceedings or non-binding conciliation than modern international commercial arbitration. At the same time, ancient societies rarely had systems of judicial administration and civil justice comparable to those of modern law. As one commentator concludes: "Until imperial times, there were no professional judges in Rome. In all civil cases, the state delegated respected citizens, sometimes from the commission, which acted as judges on its behalf.

Despite this ambiguity, there is substantial evidence of alternative dispute resolution mechanisms for commercial disputes, other than litigation and often reminiscent of modern arbitration, for nearly all centuries of recorded human history. Indeed, in many eras, commercial and similar disputes have been resolved by consensus through processes that are very reminiscent of modern international commercial arbitration[64].

The development of the arbitration process has been achieved through a number of related developments, including the adoption of international arbitration conventions, national arbitration laws and institutional arbitration rules, and the supporting role of national

62. Gary Born – International Commercial Arbitration – page 23
63. https://iccwbo.org/dispute-resolution-services/arbitration/arbitration-clause/
64. Gary Born – International Commercial Arbitration – page 8

courts in many jurisdictions. The driving force behind these various developments has been the international business community, which is also a major user of the arbitration process, which has found willing partners in national legislators and judiciaries seeking to promote international trade, investment and peace by providing efficient and effective international dispute resolution mechanisms. It is the combination and active cooperation of these two communities - public and private - that have created a modern legal basis for international commercial arbitration[65].

The first arbitration institution was the **Permanent Court of Arbitration (PCA).** The 1899 Hague Convention on the Pacific Settlement of Disputes and the 1907 Hague Convention on the Pacific Settlement of International Disputes provided (as discussed above) for the settlement of interstate disputes by arbitration.

The Permanent Court of Arbitration, established in 1899, is an intergovernmental organization that provides the international community with a variety of dispute resolution services.

More than 100 states are members of the court. The Court accepts for consideration both claims on interstate disputes and claims of private organizations of an international character. Unless otherwise agreed in advance, the Permanent Court of Arbitration may hear a case only with the consent of all the disputing parties.

Hearings are often held behind closed doors and even decisions are often kept confidential at the request of the parties.

Each state appoints up to 4 authoritative experts in international law to the Permanent Court of Arbitration. The secretariat of the Chamber maintains a list of such judges, from which, in the event of a dispute, states have the right to choose arbitrators to consider a particular case.

Two or more countries may agree to jointly elect one or more members. The same person may be elected by different countries. Members of the court are appointed for 6 years. Their appointments may be renewed[66].

65. Gary Born – International Commercial Arbitration – page 23

66. https://web.archive.org/web/20100602011039/http://www.pca-cpa.org/showpage.asp?pag_id=1302

During the first decades of the 20th century, businesses in developed countries increasingly called for legislation to facilitate the use of arbitration in resolving domestic and, especially, international commercial disputes. These calls underline the importance of reliable, efficient and fair international dispute resolution mechanisms for the expansion of international trade and investment. In an international context, the newly created International Chamber of Commerce (founded in 1919) has played a central role in the business community's efforts to strengthen the legal framework for international arbitration.

In 1922, initially under the auspices of the International Chamber of Commerce, the major trading nations signed the Geneva Protocol on Commercial Arbitration Clauses (the "Geneva Protocol"). The Protocol was eventually ratified by the UK, Germany, France, Japan, India, Brazil and about two dozen other countries[67]. This protocol established the **International Chamber of Commerce Court of International Arbitration.**[68]

The International Chamber of Commerce ("ICC"), which oversees arbitration The ICC is the largest and most diverse business organization in the world, with thousands of member companies from over 100 countries. The ICC has three main areas of activity which include setting rules, resolving disputes, and promoting policy. Today, the ICC is one of the most active international institutions for resolving international trade disputes[69].

In order to resolve disputes under the International Chamber of Commerce Arbitration Rules, the parties simply need to insert the standard ICC arbitration clause into a dispute resolution clause in their contract.

The ICC Court of International Arbitration is the world's leading arbitral institution and has served over 25,000 arbitration cases since its inception in 1923. According to its Statutes, annexed to Schedule I of the ICC Arbitration Rules, the main role of the ICC

67. http://www.memo.ru/prawo/hum/zhen1925.htm
68. https://iccwbo.org/dispute-resolution-services/icc-international-court-arbitration/
69. https://www.investopedia.com/terms/i/international-chamber-of-commerce-icc.asp

Court is to provide oversight of arbitration. proceedings under the ICC Arbitration Rules, including review and approval of awards[70].

The Geneva Protocol has played a decisive - though often underestimated role in the development of the legal framework for international commercial arbitration. Among other things, the Protocol laid the foundation for the modern international arbitration process by requiring Contracting States to recognize, albeit imperfectly, the validity of certain international arbitration agreements and awards; in particular, the Protocol was limited to arbitration agreements "between the parties respectively under the jurisdiction of different contracting States". The Protocol also allowed Contracting States to limit its scope to "contracts which are considered commercial under their national law"[71].

After a break provoked by the Second World War, the development of "pro-arbitration" legal environment for international commercial arbitration continued. Signature of the New York Convention (in 1958)[72], promulgation of the UNCITRAL Arbitration Rules (in 1976, as amended in 2010)[73], adoption of the UNCITRAL Model Law on International Commercial Arbitration (in 1985, as amended in 2006)[74], and the adoption of "modern" arbitration statutes in many developed jurisdictions (between 1980 and 2019) marked a decisive advance in the international recognition of the arbitration process. The growing acceptance by the international community of arbitration has been further demonstrated by the gradual improvement of national arbitration statutes in leading jurisdictions and institutional arbitration rules by leading arbitration institutions, as well as the widespread adoption of multilateral and bilateral investment treaties in all major regions of the world. All of these various moves are indicative of a continued and strong commitment to international arbitration as a means of resolving

70. https://iccwbo.org/content/uploads/sites/3/2021/03/icc-2021-arbitration-rules-2014-mediation-rules-russian-version.pdf

71. Gary Born – International Commercial Arbitration – page 24

72. https://uncitral.un.org/sites/uncitral.un.org/files/media-documents/uncitral/ru/new-york-convention-r.pdf

73. https://uncitral.un.org/ru/texts/arbitration/contractualtexts/arbitration

74. https://uncitral.un.org/ru/texts/arbitration/modellaw/commercial_arbitration

transnational commercial disputes - and thereby facilitating international trade - and continually improving the arbitration process in response to changing conditions and the emergence (or resurgence) of criticism[75].

So far, the following arbitration institutions have been established to provide arbitration services:

Arbitration Court of the Stockholm Chamber of Commerce

A commercial arbitration court that has been adjudicating international disputes of a commercial nature since the 1970s (if there is an arbitration agreement of the parties, hence the obligation to enforce the arbitration award). It is an independent division of the Stockholm Chamber of Commerce. Disputes at the Arbitration Court of the Stockholm Chamber of Commerce are handled in accordance with its Rules[76].

Hong Kong International Arbitration Center (HKIAC)

The Hong Kong International Arbitration Center (HKIAC) is the largest resident arbitration organization in the Hong Kong and one of the most respected international commercial arbitration centers in the Asian region. HKIAC was established in 1985 with the support of business circles and the administration of Hong Kong. Currently, HKIAC is a fully independent organization funded by its own revenues (arbitration and other dispute resolution fees). HKIAC's organizational structure includes: Council; International Advisory Council; Appointment (Arbitrators) Advisory Council; Governance Committee; Secretariat; Arbitrator Appointment Committee; Arbitrators List Selection Committee; Joint Advisory Committee Group; Maritime Arbitration; Asian Domain Dispute Resolution Center; HK45 (group for professionals under 45); Hong Kong Mediation Council; Mediators Accreditation Committee. According to statistics for 2012, HKIAC resolved 456 disputes, including: 293 disputes in arbitration 47 mediation disputes. The majority (68%) of arbitration disputes handled by HKIAC are disputes involving foreign parties. The total value of all disputes handled by HKIAC in 2012 was US$1.8 billion. Among foreign parties to disputes reviewed by HKIAC in 2012, organizations from China, Russia, USA, UK, Vietnam, Indonesia, Philippines, Thailand, Taiwan, British Virgin Islands, Cayman Islands,

75. Gary Born – International Commercial Arbitration – page 25
76. https://sccinstitute.com/ru

Cyprus, Malta, Switzerland, South Korea, Japan, Canada, Cambodia, Brazil, Samoa, the Netherlands, Denmark, India, Italy, Kyrgyzstan, Germany, Marshall Islands, Mauritius and other countries. Of the total number of arbitration proceedings, 38% of disputes are related to merchant shipping, 24% - construction, 27% - trade; 8% - corporate disputes, 3% - insurance disputes[77].

International Center for Settlement of Investment Disputes (ICSID)

The International Center for the Settlement of Investment Disputes (ICSID) provides for the settlement of investment disputes between governments and foreign private investors, either through dispute settlement or arbitration. It was established in 1966 in accordance with the Convention on the Settlement of Investment Disputes between States and Nationals of Other States. Application to ICSID is made on a voluntary basis, but, having agreed to arbitration, neither party can unilaterally waive it.

ICSID is an independent organization closely associated with the World Bank, all of its members are also members of the Bank. The Administrative Council, chaired by the President of the World Bank, includes one representative from each state that has ratified the Convention.

ICSID has 153 member states and Kosovo (as of March 2020)[78].

London Court of International Arbitration (LCIA)

Based in London, the London Court of International Arbitration ("LCIA") is one of the most prominent arbitration institutions that provides services for arbitration, mediation and other ADR procedures, with a current average of 303 cases per year.

The LCIA provides services for arbitration, mediation, resolution and ADR. It is important to note that the institution itself does not resolve disputes. Rather, it provides the necessary support to the parties and the arbitral tribunal throughout the proceedings.

The parties may also resort to the LCIA in proceedings. In this case, the institution will act as the appointing authority and it will assist the parties in appointing arbitrators, mediators and experts.

77. https://www.hkiac.org/
78. https://icsid.worldbank.org/

Access to LCIA Arbitration - Typically, the parties refer to the LCIA Arbitration or its Rules in arbitration clauses drawn up before the dispute arises. This allows them to initiate proceedings in the event of a dispute, instead of resorting to national courts.

However, the parties may also agree to resort to arbitration after a dispute has arisen, in a separate agreement, although this is often difficult in practical terms.

Under the rules of the LCIA, arbitral awards are final and binding. They also provide for the waiver of the right to appeal, as long as it is permissible under applicable law, ensuring that businesses do not spend years trying to resolve an appeal[79].

Singapore International Arbitration Center (SIAC)

An independent non-profit organization established in 1991. SIAC is governed by a board of directors comprised of arbitration professionals from the US, UK, Switzerland, India, Korea and Singapore.

The number of cases handled by the SIAC has been steadily increasing since 2008. In 2013 The International Arbitration Center considered 259 new cases (for comparison: in 2008 only 99 cases were considered, in 1998 - 63 cases). The total number of cases considered in 2013 amounted to 619.

SIAC has its own arbitration rules, the latest version of which was approved in 2010.

SIAC decisions are recognized in approximately 150 countries around the world in accordance with the New York Convention.

As a rule, Singapore international arbitration considers commercial disputes, as well as disputes in the field of construction, shipping, trade and insurance. However, since the arbitral tribunal's jurisdiction depends on the arbitration clause in the contract, the types of disputes it can hear are not necessarily limited to the areas listed above. There is no minimum or maximum amount of the claim that affects the possibility of consideration of the case by an arbitration court[80].

In addition to the institutions reviewed above, there are a number of other arbitral institutions around the world. The arbitration institution that will consider a potential dispute between the parties

79. https://www.lcia.org/
80. https://www.siac.org.sg/

is determined at the very initial stage of building a contractual relationship. Businesses include international arbitration clauses in their commercial contracts with other businesses and thus choose arbitration as a way to resolve their potential dispute.

When choosing an arbitral institution, enterprises consider six criteria: *(i) the relative advantages or disadvantages of any differences between sets of institutional rules; (ii) relative capacities and preferences of institutions regarding the appointment of arbitrators; (iii) the relative experience and ability of the administrators or secretariats of institutions to respect the conduct of business; (iv) relative reputation, as reputation may improve or undermine the prospects for enforcement of the award; (v) costs, both administrative and arbitration; and (vi) whether certain institutions are suitable for arbitration in certain locations.*[81]

As noted earlier, the above overview of international courts and institutions providing arbitration services was intended to provide the reader with a brief introduction to the most influential institutions operating around the world. In addition to those mentioned above, there are a number of other international courts and arbitral institutions.

To date, there are the following international courts:

1. International Court of Justice
2. International Criminal Court
3. European Court of Human Rights
4. International Tribunal for the Law of the Sea
5. Inter-American Court of Human Rights
6. CIS Economic Court
7. EurAsEC Court
8. Court of Justice of the European Union
9. African Court on Human and Peoples' Rights
10. Arab Court of Human Rights

And also, the following arbitration institutions (the list is not complete):

1. Arbitration Center of the Stockholm Chamber of Commerce

81. Paul D. Friedland – "Arbitration Clauses for International Contracts - 2nd Edition"

2. International Commercial Arbitration Court

3. American Arbitration Association (AAA)

4. French Arbitration Association (FAA)

5. Australian Center for International Commercial Arbitration (ACICA)

6. Beijing Arbitration Commission (BAC)

7. Cairo Regional Center for International Commercial Arbitration (CRCICA)

8. Arbitration Center of Mexico (CAM)

9. Chamber of National and International Arbitration of Milan (CAM)

10. China International Economic and Trade Arbitration Commission (CIETAC)

11. General Court and Arbitration (CCJA)

12. Arbitration Court of the Polish Chamber of Commerce

13. International Commercial Arbitration Court at the Romanian Chamber of Commerce and Industry (CICA)

14. Dubai International Arbitration Center (DIAC)

15. Tashkent International Arbitration Center (TIAC) at the Chamber of Commerce and Industry of the Republic of Uzbekistan

16. Hong Kong International Arbitration Center (HKIAC)

17. International Center for the Settlement of Investment Disputes (ICSID)

18. London Court of International Arbitration (LCIA)

19. Permanent Court of Arbitration (PCA)

20. Singapore International Arbitration Center (SIAC)

21. Arbitration Center of the Swiss Chamber

22. United Nations Commission on International Trade Law (UNCITRAL)

23. Vienna International Arbitration Center (VIAC)

24. World Intellectual Property Organization (WIPO) Arbitration and Mediation Center

25. International Arbitration Court (IAC) Kazakhstan

2. INTERNATIONAL LEGAL FRAMEWORK FOR THE ACTIVITY OF INTERNATIONAL COURTS

Sources of international law exist in the form of norms of international law, and the essence of any norm of international law is an agreement reached in the process of coordination between the bodies of its subjects. In different cases, the process of creating international legal norms proceeds in different ways and takes different forms. These forms of creation of norms of international law are called sources of international law[82].

According to Article 38 of the Statute of the International Court of Justice, the Court applies: a) international conventions, whether general or particular, establishing rules expressly recognized by the contesting parties; b) international custos, as evidence of a general practice accepted as law; c) general principles of law recognized by civilized nations; d) judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.

The existing system of sources of international law can be divided into the following two groups:

The first group is the universal sources of international law:
– *international treaties;*
– *international custom;*
– *general principles of law;*
– *Doctrines - these serve as an auxiliary tool in determining the existence of customs.*

The second group is the special sources of international law:
– *decisions of competent international organizations;*
– *decisions of international courts and arbitrations.*

An international treaty (convention) is a source of international law. The treaty is the current written form of international law. An international treaty is an agreement between two or more subjects

82. И.И.Лукашук, А.Х.Саидов. Ҳозирги замон халқаро ҳуқуқи назарияси асослари: Дарслик. – Тошкент: “Адолат”, 2006. 53-б

of international law. An international treaty is the agreed will of independent states on the basis of sovereign equality. According to Article 2 of the Vienna Convention on the Law of Treaties of 1969 and the Vienna Convention on the Law of Treaties between States and International Organizations of 1986, an international treaty is an agreement between states and other subjects of international law, governed by international law[83].

A treaty expresses an agreement between the subjects of international law on the creation of international legal norms on the definition, amendment or abolition of legally binding rules for them - their mutual rights and obligations. Most of the norms of international law are of a contractual nature.

What is important are universal treaties that represent the interests of states and are open to accession by any state. Among them, the UN Charter has the highest legal force among international treaties and is of particular importance as the main source of international law.

International customary law – is a source of international law.

International customs have the same legal force as treaties. Unlike contracts, customs are not formalized in a single written form. Therefore, auxiliary means are used to determine the existence of a custom, such as judicial decisions, doctrines, decisions of international organizations, unilateral acts and actions of states.

Judgements considered as ancillary instruments include decisions of the International Court of Justice, other international arbitration and judicial bodies. When referring disputes to the International Court of Justice and other international judicial bodies, states are often asked to determine the existence of norms of international custom that are binding on the parties to the conflict.

The International Court of Justice in its practice did not limit itself to confirming the existence of customs, but to a certain extent gave them a clear expression (definition). An example is the 1951 judgment of the International Court of Justice on the

83. National database of legislative information of the Republic of Uzbekistan. https://lex.uz.

Anglo-Norwegian Fisheries Dispute, which stated, among other things, that in determining customary law, coastal states may use a straight line to define them as the last boundary of their territorial waters[84].

International customs are the source of international law, as are treaties. The 1969 Vienna Convention on the Law of Treaties states that customary international law must continue to address important issues in international relations[85].

In addition, custom is defined as evidence of "general practice accepted as law" in Article 38 of the Statute of the International Court of Justice.

Customs arise in the course of sufficiently long repetitive actions of the subjects of international legal relations. To do this, the custom must meet the following 3 requirements:

1. norms used for a long time;

2. be recognized by subjects of international law as legally binding;

3. be constantly followed by subjects of international law[86].

KEEP IN MIND!

The norms of custom, declared as "international custom", are recognized if there are cases when they are used by the courts in practice, or if there are cases when they are referred to in the external relations of states.

Whenever international relations are established between countries, the treaty is signed by authorized representatives of the contracting countries. It was an unwritten rule, a custom. The newly adopted conventions reflect such sentences as the signing of documents between the parties and the presentation by the person who signed them (for example, Art. 11, part 3 of the Chisinau Convention). This situation is a form of habit that has become the norm.

84. https://www.icj-cij.org/en/case/5

85. Vienna Convention "On the Law of International Treaties". May 23, 1969, Vienna.

86. https://www.un.org/ru/icj/statut.shtml. Article 38 of the Statute of the UN International Court of Justice.

International legal custom should be distinguished from international legal practice. Ordinances are generally accepted practices of countries that are not legally binding. For example, the rules of international presentation, i.e. ceremony of meeting the head of state or head of government, mutual greeting of ships on the high seas, etc.

Below is a practical example of the formation of an international custom as a legal norm:

Salini Construttori S.p.A and Italstrade S.p.A (Italian company) v. The Kingdom of Morocco.[87]

Case: SALINI (an Italian company) invested in the Kingdom of Morocco in 1994 for the construction of a motorway. Due to adverse weather conditions in the country and some technical reasons, the road construction project could not be completed on time. And the works were delayed by 4 months (the deadline was delayed by 36 months) in contrast to the specified plan (32 months). As a result, the Kingdom of Morocco took steps to forcibly end this project. Dissatisfied with this, SALINI (an Italian company) in 2000 submitted a claim to the International Center for the Settlement of Investment Disputes (Washington) against the Kingdom of Morocco in this dispute. A special tribunal set up by the International Center in connection with the case of SALINI, after examining the available documents, recognized that SALINI was indeed an investor. Part one of Article 25 of the Convention "On the Settlement of Investment Disputes between States and Nationals of Other States" (Washington, March 18, 1965)[88] provides that the Center has the authority to consider issues related to investment disputes. The International Center did not have clear established criteria for determining whether a person was an investor. In this regard, the Tribunal, when considering this case, noted that the resource (money and other forms) imported into

87. https://www.italaw.com/cases/documents/959

88. Convention on the Procedure for Settlement of Investment Disputes between States and Foreign Persons. March 18, 1965, Washington.

the country by a person applying for the role of an investor must meet certain requirements in order to be recognized as an investment and listed the requirements developed for them.

The first requirement was a contribution on the part of the investor (for example: in the form of money, in the form of things, in the form of labor, in the form of intellectual property, etc.).

The second requirement was risk.

The third requirement was that the investment must be durable.

The fourth requirement was the contribution to the development of economy of the host state.

SALINI fully met these requirements. However, the forced termination of this project by the Kingdom of Morocco could not be justified as illegal. As a result, the case was decided in favor of the Kingdom of Morocco.

The above four additional requirements developed by ICSID were the first in practice. This requirement was used as an international custom in subsequent international investment cases.

Romak S.A. (Швейцарская компания) против Республики Узбекистан[89]

The practice of recognizing these four requirements as international custom was established in 2006 by the Uzbek JSC Uzdonmakhsulot and the Swiss ROMAK S.A. The dispute between the companies was referred to the Permanent Court of Arbitration of Paris.

At that time, Uzbekistan demanded the application of four additional requirements developed by the International Center for the Settlement of Investment Disputes (Washington) on the recognition of an investor in the case of SALINI as an international practice. The Romak S.A. company initially objected to using the case of the International Center for the Settlement of Investment Disputes (Washington) as a source by the International Arbitration Court (Paris) in this case. It then stated that it would meet the four requirements above, even though the Salini test is applied as a source. The International Arbitration Court found that the requirements developed by the International Center for the Settlement of

89. https://www.italaw.com/cases/documents/919

Investment Disputes (Washington) are recognized as international custom and used as a source of international law.

Arguments submitted by the parties in four claims:

Arguments made by Uzbekistan:

1. The Uzbek side argued that this agreement is not a long-term, but a one-time agreement, therefore it does not meet the requirement that the agreement must be concluded for a period of at least 2 years, which is one of the four requirements.
2. The Uzbek side argued that there were no risk factors in this case. The reason is that the contract was concluded with Ozdonmakhuslot JSC. Since Uzdonmakhuslot JSC is under state control, this organization is guaranteed by the state, so there can be no risk here.
3. The Uzbek side argued that ROMAK S.A. did not contribute to the development of the country. The reason is that grain production is only 40 thousand tons, which could not be a reason to say that it contributed to the development of the country as a whole.

Arguments made by ROMAK S.A.:

1. Being one-time contract, the product has been delivered in several stages over the years.
2. In response to the risk, firstly, the investment environment in Uzbekistan was unstable, and secondly, domestic legislation in the country changed frequently.
3. ROMAK S.A., at the time of signing the contract, was the only organization that supplied grain products to Uzbekistan. Considering the economic situation of the country at that time and the fact that domestic grain products could not meet the country's domestic needs, this can be seen as a contribution to the development of the country.

As a result, the Permanent Court of Arbitration of Paris, taking into account the arguments submitted by the parties, satisfied the claim. Thus, the above 4 requirements become the source of international law as the SALINI test.

General principles of law are the source of international law.

General principles of law are principles applicable in any legal system. Scientists do not have a common opinion about their composition. According to some legal scholars, they consist of well-established legal rules, such as "punishment shall correspond to the deed" or "a new law cancels previous law". According to other scientists, the principles as justice and good faith shall also be included into the general principles of law[90].

International legal doctrine

According to the Statute of the International Court of Justice, the Court "uses highly qualified specialists in the field of public law from various countries as an auxiliary tool for determining the norms of legal doctrine."

According to F. F. Martens, "the history and science of international law serve as a means of determining the true meaning of existing international customs and agreements; they allow us to represent the legal consciousness of people, reflected in customary norms and treaties in its purest form, and it is undoubtedly one of the sources of international law"[91].

The doctrine is not considered as a source of international law. They are considered only an auxiliary tool for setting standards. If the doctrine is applied at the stage of law enforcement, then there is much more reason to use it at the stage of lawmaking. The need for widespread use of science in the creation of international law is substantiated by the Institute of International Law[92].

At present, references to doctrines can be observed in the materials of the UN International Law Commission, in arbitral and some judicial judgments and awards, in individual opinions of members of the International Court of Justice. The doctrine provides a modern explanation of tasks that need to be solved with the help of international law, the possibilities of influencing international relations.

---

90. И.И.Лукашук, А.Х.Саидов. Ҳозирги замон халқаро ҳуқуқи назарияси асослари: Дарслик. – Тошкент: "Адолат", 2006. 61-б

91. Мартенс Ф. Ф. Современное международное право цивилизованных народов. М., 1996. Т. 1. С. 151.

92. См.: Annuaire de Institute de Droit International. P. 84.

Of course, legally irreproachable, well-founded conclusions on in-depth study of international law issues will not affect the formation of relevant opinions of an international judge, arbitrator, member of the International Law Commission, legal adviser of the delegation participating in the negotiations.

AUXILIARY SOURCES OF INTERNATIONAL LAW

Resolutions of international organizations (lat. resolution - a decision, that is, a decision adopted by a meeting, conference) are a source of international law.

In most cases, international organizations, in their non-legally binding legal resolutions, define the principles and norms that are intended to be reflected in the agreements signed by its participants. For example, UN General Assembly resolutions have been a major factor in the creation of a number of human rights treaties.

The right of international organizations to create legal norms is determined by the countries that created them, and this is recorded in the founding document of the international organization. It clearly states the general scope of powers of the international organization and its rights to create legal norms. Multilateral international organizations are distinguished by the preparation and adoption of international agreements on matters within their jurisdiction. Due to the regular contacts between the representatives of the member states of the international organizations, they make their decisions in order to regulate the existing needs in one or another field in the organization. These decisions will have a recommendation nature for other organizations.

Decisions of international courts and arbitrations are the source of international law.

Decisions of international courts and arbitral tribunals are binding only on the party in respect of which the decision in the dispute has been made. But the decisions of the International Court of Justice are usually taken into account at the time when new laws and rules are being developed. Additionally, evidence from courts and arbitrations is often used to substantiate the positions of the parties in such disputes.

The decisions of the arbitrators are binding on the parties and cannot be appealed in any way[93].

Decisions of the International Court of Justice and other international courts and arbitration tribunals are considered subsidiary documents.

According to article 38 of the Statute of the International Court of Justice, judgments are recognized as an auxiliary means of establishing legal rules, subject to the provisions established by article 59 of this Statute. It states: "Decisions of the court are binding and have significance only for the parties involved in it and for this particular case."

In some cases, judicial decisions can serve as the basis for the formation of customary law.

Judgments of the International Court of Justice are often used to prove the existence of international customs.

In judgment on the dispute between Great Britain and Norway (1951),[94] the court clarified some important legal rules regarding sea boundaries, which were subsequently adopted by the International Law Commission of the United Nations. Later, these rules were reflected in an international treaty, namely the Geneva Convention of 1958 on the territorial sea and the adjacent area.

Judicial judgments are binding on the parties to the dispute. This rule of Article 59 of the Charter of the International Court of Justice is very close to the rule defined in Article 94 of the UN Charter, according to which each member of the UN must unconditionally comply with the judgments of the Court if it is a party to the case. In the event of non-compliance by one of the parties with the judgment, the UN Security Council may make a recommendation or take measures to ensure the implementation of the judgment at the request of the other party.

Judgments of national courts are not classified by the International Court of Justice as a source of international law, even if they apply treaty or customary law.

---

93. Washington Convention on the Procedure for Settlement of Investment Disputes Between States and Foreign Persons. March 18, 1965. Article 53.

94. https://www.icj-cij.org/en/case/5

It should be noted that the source of international law can be not only the judgments of the International Court of Justice, but also the judgments and decisions of regional and other international courts (for example, the International Criminal Court, the European Court of Human Rights, etc.).

In June 2003, the European Court of Human Rights ordered the government of the Russian Federation to pay 3,000 euros in compensation for non-pecuniary damage to Tamara Rakevich, since the provisions of the 1950 European Convention on Human Rights and Fundamental Freedoms were violated. This article of the Convention establishes that there must be a basis for the restriction of a person`s liberty in accordance with the law or the Convention, and that the question of the restriction or deprivation of a person`s liberty must be decided by national courts without delay. Since the Russian Federation is a party to the European Convention of 1950, the implementation of the judgment made in Strasbourg in this case led to the introduction of amendments and additions to the 1992 law of this country "On Guarantees of the Rights of Citizens in the Provision of Psychiatric Care". The law of the Russian Federation should be adapted to the requirements of this convention and should give citizens the right to freely file a complaint about the unlawfulness of hospitalization.

3. INTERNATIONAL MECHANISMS FOR THE PROTECTION OF HUMAN RIGHTS

1. Charter of the UN human rights bodies.
2. UN subsidiary bodies on human rights.
3. The question of the effectiveness of UN human rights treaty bodies and their activities. Analysis of cases handled by UN human rights committees as quasi-judicial bodies.
4. Specialized institutions in the UN system and their role in ensuring human rights.
5. Regional mechanisms for the protection of human rights

It is known that the international cooperation of states on human rights is expressed in various forms: that is, states develop uniform universal standards for what human rights and freedoms should be respected and take obligations under international agreements. International organizations are usually divided into international intergovernmental and international non-governmental organizations. International intergovernmental organizations, in turn, are divided into universal and regional organizations[95].

International mechanisms for the protection of human rights are divided into universal and regional mechanisms.

Universal mechanisms:

1. UN human rights treaty bodies.

According to Article 7 of the UN Charter, the UN bodies are divided into principal organs and subsidiary organs. Its main bodies, their duties and powers are defined in the Charter. According to it, there are six **main organs of the UN:** the General Assembly, the Security Council, the Economic and Social Council, the Trusteeship Council (now defunct), the International Court of Justice and the Secretariat. The role and importance of these bodies in coordinating the activities of the UN is very important. These bodies deal with the observance and protection of human rights and freedoms. **Subsidiary bodies of the UN** may include

95. Инсон ҳуқуқлари: дарслик/А.Р. Мўминов, М.А. Тиллабаев. 2- нашр. –Т.:Адолат. 2013. Pp 231.

a large number of different committees, commissions and various bodies of other names that ensure the activities of its main bodies.

The UN system, in addition to the main and subsidiary bodies specified in its Charter, also includes specialized organizations listed in Article 57 of the Charter.[96] (See organizational chart (page-142).

The main (Charter) bodies of the UN conduct their activities on issues related to human rights within the framework of their powers in accordance with the UN Charter.

1) The General Assembly is the main representative body of the UN. The Assembly consists of all member states of the UN. Currently, the number of member states of the General Assembly is 193[97]. According to Article 13 of the UN Charter, one of the main tasks of the General Assembly is "to promote international cooperation in the economic, social, cultural, educational, medical fields, as well as the protection of human rights and fundamental freedoms without distinction of race, sex, language or religion." The General Assembly also organizes studies and develops recommendations. General Assembly recommendations do not create legal obligations for states. The General Assembly has the power to establish various subsidiary bodies as necessary, in accordance with Article 22 of the UN Charter, to carry out its tasks in the field of human rights.

2) ECOSOC. The Economic and Social Council carries out its activities through the Economic, Social and Coordinating Committees, which performs its tasks during sessions. ECOSOC is the main body responsible for coordinating the economic and social activities of the UN and consists of 54 members.

In accordance with article 62 of the Charter, the Council may make recommendations aimed at promoting respect for and observance of human rights and fundamental freedoms for all.

According to Article 68 of the UN Charter, the Council "establishes commissions for the economic and social fields and for the promotion of human rights".

96. UN "specialized organizations" are often referred to as "specialized institutions" in literature and international documents. However, such two names do not affect their status, meaning and essence.

97. https://www.un.org/ru/about-us/member-states

3) Security Council. Members of the United Nations confer on the Security Council the primary responsibility for the maintenance of international peace and security. Members of the UN agree to obey and carry out the decisions of the Security Council in accordance with the UN Charter. The Security Council consists of 15 members; 5 of them are permanent members: the UK, China, Russia, the USA and France.

The Security Council is empowered to investigate any dispute or situation that may give rise to an international conflict or dispute (Article 34 of the UN Charter).

To perform various tasks, the Security Council creates subsidiary bodies – committees, commissions, working groups.

Security Council resolutions establish UN missions in individual countries or regions. For example, the International Criminal Tribunal for the former Yugoslavia (1993) and the International Criminal Tribunal for Rwanda (1994) were established by Security Council resolution.

4) International Court of Justice. The International Court of Justice (ICJ) is the main judicial organ of the UN. It was founded in 1945. It resolves legal disputes between states with their consent and gives advisory opinions on legal matters.

According to article 34, paragraph 1, of the Statute, "only States may be parties to proceedings in cases decided by the court." The Court may consider all cases submitted to it by the parties and all matters specifically provided for by the UN Charter or existing international treaties. At the same time, the contribution of the International Court of Justice to the protection of human rights at the universal level cannot be underestimated.

An example is the UN International Court of Justice dispute between states on compliance with international obligations in the field of human rights (Georgia v. Russian Federation, 2008)[98].

3. UN subsidiary bodies on human rights.

Human Rights Council (until 2006 Commission on Human Rights)[99].

98. https://www.icj-cij.org/en/case/140

99. The UN Commission on Human Rights was reformed and became the UN Human Rights Council in 2006. We will talk about this Council in more detail below, and in order to fully understand the activities of the Council, it is necessary to analyze the activities carried out by the Commission.

This body was created by the Economic and Social Council on December 10, 1946 in the form of the Commission on Human Rights and consists of representatives of 53 member states.

The UN Commission on Human Rights was considered a political body. That is, political will usually played a decisive role in decision-making. Blocks of states acting together (especially based on political interests) could prevent the adoption of certain decisions on the issues under consideration. Therefore, it took a long time to get particular resolution through the Commission. Agenda discussions often dragged on for a long time, and planned actions were constantly delayed. These circumstances further politicized the Commission and undermined its reputation.

Therefore, in March 2005, former UN Secretary-General Kofi Annan, in his speech "Towards Greater Freedom", suggested that a smaller but permanent Human Rights Council should be created instead of the Commission on Human Rights.[100] By Resolution of the UN General Assembly No. 60/251 of March 15, 2006, the Human Rights Council was established as a subsidiary body of the General Assembly in place of the Commission[101].

Seats are distributed proportionally across regional groups: Africa group 13 seats, Asia group 13 seats, Eastern Europe group 6 seats, Latin America and the Caribbean group 8 seats, and Western European and other countries group 7 places.

In electing States to the Council, the General Assembly shall take into account the contributions of candidates to the promotion and protection of human rights and their voluntary commitments in this regard.

On October 13, 2020, Uzbekistan was elected a member of the UN Human Rights Council for the first time in its history. On October 13, voting took place on 15 vacancies in the Council. Along with Uzbekistan, Russia, Cuba, Gabon, Bolivia, China, Côte d'Ivoire, France, Malawi, Mexico, Nepal, Pakistan, Senegal, Great Britain

100. Report of the Secretary-General "In Greater Freedom: Towards Development, Security and Human Rights" // Doc. UN. A/59/2005 of March 21, 2005.

101. Resolution of the General Assembly «Human Rights Council» No. 60/251 of March 15, 2006 // Doc. UN. A/60/251.

and Ukraine were elected to the Council. These new members took office on January 1, 2021.

The President of the Republic of Uzbekistan, during his speech at the 46th session of the UN Human Rights Council (21.02.2021), highlighted the following tasks that need to be implemented:

- Establishment of the Regional Council for the full realization of the abilities of persons with disabilities;
- Holding a global forum with the Office of the High Commissioner, dedicated to the 10th anniversary of the declaration «Human Rights Education»;
- Development of universal principles for the activities of councils of judges;
- Holding the World Conference on Youth Rights under the auspices of the UN;
- Presentation of the draft Convention on the Rights of Youth at the tenth forum of the UN Economic and Social Council;
- Preparations for the nomination of a special rapporteur on youth rights;
- Adoption of the Law on the Commissioner for Children's Rights in 2021, the International Year for the Elimination of Child Labor. Moreover, ratification of the Optional Protocol to the Convention against Torture[102].

In 2022, Ulugbek Lapasov, Permanent Representative of the UN Office in Geneva and other international organizations of Uzbekistan, began to work as Vice-Chairman of the UN Human Rights Council (Federico Villegas). The nomination was unanimously approved by the Member States of the Asia-Pacific Regional Group[103].

The Human Rights Council, the Economic and Social Council and the UN General Assembly discuss developments and practices

102. https://president.uz/uz/lists/view/4179. 22.02.2021

103. https://xs.uz/uzkr/post/bmt-inson-huquqlari-bojicha-kengashi-raisiga-ozbekistonning-doimij-vakili-orinbosar-boldi

related to gross and systematic violations of human rights at their annual sessions and make their recommendations. Also, the Council directly monitors compliance by individual states with their obligations for legal protection.

If the situation in a country or a particular practice is of concern, these bodies may decide to have the matter investigated by an independent and impartial group of experts (working group) or by an individual (special rapporteur). In addition to reporting and making recommendations to the UN General Assembly, these special bodies are empowered to take action when the rights of individuals, groups or communities are violated. In special cases where an immediate investigation is required, the Special Rapporteur or Working Group may even meet and communicate directly with the relevant authorities to protect the individual, group or community at risk.

Depending on the topic of issues, a number of special rapporteurs were appointed, and the following topics were identified as areas of study:

- 1 *on extrajudicial and arbitrary summary executions;*
- 1 *torture and other cruel, inhuman or degrading treatment or punishment;*
- 1 *on the sale of children, child prostitution and child pornography;*
- 1 *on the issue of displacement of persons within the country;*
- 1 *on religious intolerance;*
- 1 *on racism, racial discrimination and xenophobia*[104]
- 1 *freedom of thought and speech;*
- 1 *on the use of hired people as a means of resisting the exercise of the right of peoples to self-determination.*

The first Ad Hoc Group of Experts of the Human Rights Council was established in 1967 to investigate human rights violations committed by the apartheid regime in South Africa. In 1947, the Commission

104. https://bigenc.ru/ethnology/text/2639008

on Human Rights established the Sub-Commission for the Prevention of Discrimination and the Protection of National Minorities to carry out its work more effectively. Its purpose is to conduct research on compliance with the Universal Declaration of Human Rights. The Commission on Human Rights also develops recommendations for the prevention of any form of discrimination in relation to human rights and fundamental freedoms, as well as the protection of racial, national, religious and linguistic minorities. The name of this Commission was changed to The United Nations Sub-Commission on the Promotion and Protection of Human Rights in 1999.

The sub-commission consists of 26 members, who are elected by the Commission on Human Rights and act on their personal merits, not as representatives of states. The annual meetings of the subcommission last four weeks and are attended by observers from UN member states and representatives of intergovernmental organizations, non-governmental organizations, UN specialized agencies and national liberation movements interested in issues included in the conference agenda. conferences.

The Commission on the Status of Women was established by the Economic and Social Council in 1946. The scope of the Commission's responsibilities includes preparing recommendations and reports to the Economic and Social Council on the promotion of political, economic, civil, social and educational rights of women, as well as the most important issues in the field of women's rights in order to implement the principle of equal rights for men and women and includes the tasks of preparing recommendations and proposals for action. The Commission on the Status of Women was entrusted with the task of monitoring the implementation of the Nairobi Strategy for the Advancement of Women, adopted at the 1985 World Conference on Women, and assessing and analyzing the state of affairs in this regard. The Commission on the Status of Women may consider reports of discrimination against women from both individuals and groups. No action will be taken on individual complaints[105].

105. Саидов А. Инсон ҳуқуқлари бўйича халқаро ҳуқуқ. Дарслик. -Т.: Konsauditinform-Nashr, 2006. – pp.155

Office of the High Commissioner for Human Rights. The tasks of servicing various bodies and institutions and establishing a wide range of services related to a varied issues are carried out by the UN Secretariat. The Human Rights Secretariat is based in the Office of the United Nations High Commissioner for Human Rights, formerly the Center for Human Rights.

Usually, the responsibility for ensuring the protection of human rights lies with the highest authorities of the country. The High Commissioner for Human Rights provides technical assistance to States in ensuring that they comply with international standards[106].

The office is based in Geneva, with a small liaison office in New York and several temporary offices in various parts of the world. At present, more than a hundred specialists work at the headquarters of the department, mainly lawyers and political scientists specializing in international affairs. Main management tasks:

First of all, *maintaining the various methods of verification, monitoring and research determined by the General Assembly;*

Secondly, *the provision of services to bodies that control the execution of contracts;*

Thirdly, *conducting studies on various issues in the field of human rights at the request of the Commission on Human Rights and the sub-commission;*

Fourthly, *the implementation of a program of technical assistance to countries in the field of implementation of human rights standards at the national level, including training of experts, legal assistance and dissemination of information.*

United Nations High Commissioner for Refugees. At its fourth session, in 1949, the General Assembly established the Office of the United Nations High Commissioner for Refugees. This office replaced the International Refugee Organization established after World War II. In accordance with paragraph 1 of the Statute of

106. https://www.ohchr.org/ru/about-us/what-we-do

the United Nations High Commissioner for Refugees, the High Commissioner acts under the authority of the General Assembly. It undertakes to provide UN-led international protection to refugees within the framework of this Regulation. Such protection is provided by the 1951 Convention relating to the Status of Refugees[107] and the 1967 Protocol to that Convention.

Article 1 of the Convention defines the concept of a refugee.

Articles 2-11 of the Convention contain general provisions that refugees should not be discriminated on the basis of race, religion or country of origin. In whatever country they arrive, they shall enjoy freedom of religion at least at the level of the citizens of that country and shall be provided with rights, irrespective of the rights granted under this Convention. Refugees are also guaranteed the same rights as nationals of that country, unless the Convention provides for a more favorable position for them.

Articles 12-16 of the Convention deal with the legal status of a refugee.

Articles 17-19 of the Convention deal with the right of refugees to engage in income-generating activities.

Articles 20-24 of the Convention deal with the welfare of refugees, in particular the ordinary social security system, housing, education, public assistance, labor law and social security.

Article 25 of the Convention provides for the provision of administrative assistance to refugees, as well as the provision of documents necessary for them to leave their country of legal residence.

Articles 31-33 of the Convention contain important provisions regarding the granting of asylum. Under these articles, a refugee seeking asylum in the territory of a Contracting State shall not be punished for illegal entry into the territory of that State or illegal presence in the territory of that State, provided that he meets the requirements of the competent authorities. Furthermore, that refugee, if he is legally resident in the territory of a contracting state, cannot be expelled from the territory of that country for reasons of national security or public order. In any event, a refugee may not be expelled or sent back to an area where his

107. Международные акты о правах человека: Сб. документов. -М., 1998. -С.432-444

life or freedom is threatened because of his race, religion, nationality, membership of a particular social group or political opinion.

In accordance with *Article 34 of the Convention*, the Contracting States must contribute to the maximum extent possible to the adaptation of refugees to the local environment and to get rid of the complications of exclusion as soon as possible, in particular, to try to do their best work related to them in order to speed up the work of getting used to this place and to minimize costs. and the costs associated with it.

According to *Article 35 of the Convention*, Contracting States are required to cooperate with the Office of the United Nations High Commissioner for Refugees in the task of supervising the application of the provisions of this Convention. In 1967, the General Assembly adopted the Declaration on Territorial Asylum. This document establishes the basic principles for granting territorial asylum and declares the basic humanitarian principle prohibiting the forced return of refugees. In accordance with this basic principle, measures such as refusal to issue a permit to cross the border, expulsion from the territory of the asylum-seeking country, or forced return to a certain country where the person may be subject to persecution cannot be applied to any person.

4. The question of effectiveness of the UN human rights bodies and their activities.

There are nine core international human rights treaties within the UN, and a separate "treaty body (committee)" has been established for each of them. The treaty body, that is, the committee, monitors the implementation by the participating States of the provisions of the main international treaties on the protection of human rights[108].

One reason for the ineffectiveness of treaty bodies is that international human rights treaties only allow them the right to make "general comments" or "general recommendations" to states.[109]

The powers of committees are narrower than those of bodies operating on the basis of the UN Charter. Because, as mentioned

108. Жалобы на нарушения прав человека. Переговорный орган. https://www.ohchr.org/ru/treaty-bodies/human-rights-bodies-complaints-procedures

109. Права человека. /Учебник. Отв. ред. Е.А.Лукашева. - М.: Норма-Инфра, 1999. -С. 506.

above, they monitor the states parties to conventions and consider issues related to the articles of human rights conventions. In general, they are not political bodies, although the committee's experts are not elected from among the representatives of the state, but from among individuals. These are independent experts with a recognized reputation in the field of human rights.

In total, there are 10 human rights committees, UN human rights treaty bodies established on the basis of a number of universal international agreements. The tenth committee is the "Committee for the Prevention of Torture", created under the Committee against Torture.

UN human rights treaty bodies			
№	**Title**	**Date of incorpo-ration**	**Description**
1.	Human Rights Committee (HRC)	1976y.	Monitors the implementation of the 1966 International Covenant on Civil and Political Rights (The secretariat is located in Geneva. Composition: 18 experts).
2.	Committee against Torture (CAT)	1987y.	Monitors the implementation of the 1984 Convention against Torture and Cruel, Inhuman or Degrading Treatment or Punishment. The secretariat is located in Geneva. Composition: 10 experts. In 2007, the "Committee for the Prevention of Torture" was established under the Committee against Torture. 10 independent experts are authorized to monitor the implementation of the Convention against Torture by states. Currently, 10 countries are members of the committee.
3.	Committee on Economic, Social and Cultural Rights (CESCR)	1985y.	The committee oversees the implementation of the 1966 International Covenant on Economic, Social and Cultural Rights. The secretariat is located in Geneva. Composition: 18 experts.

4.	Committee on the Rights of the Child (CRC)	1991 y.	Monitors the implementation of the 1989 Convention on the Rights of the Child (The secretariat is located in Geneva. Composition: 18 experts.)
5.	Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW)	1981 y.	Supervises the implementation of the provisions of the 1979 Convention on the Elimination of All Forms of Discrimination against Women. (The secretariat is located in New York. Composition: 23 experts).
6.	Committee on the Elimination of Racial Discrimination (CERD)	1969 y.	Monitors the implementation of the 1966 International Convention on the Elimination of Racial Discrimination. The secretariat is located in Geneva. Composition: 18 experts.
7.	Committee for the Protection of the Rights of Migrant Workers (CWM)	2003 y.	Monitors the implementation of the convention on the protection of the rights of all migrant workers and members of their families.
8.	Committee on the Rights of Persons with Disabilities	2008 y.	If 60 countries ratify the Convention, the number of experts will increase by another 6. Maximum number of experts: 18. Composition: 12 experts
9.	Committee on Enforced Disappearances.	2010 y.	Monitors the implementation of International Convention for the Protection of All Persons from Enforced Disappearance. Composition: independent experts.

Not all of the complaints mechanisms of the 9 treaty bodies listed above have been put in place. Currently, eight human rights treaty bodies can receive and consider individual complaints and reports in certain situations. In particular, the following:

1. *1. Human Rights Committee,*
2. *Committee on the Elimination of All Forms of Discrimination against Women,*
3. *Committee against torture*

4. *Committee on the Elimination of Racial Discrimination*
5. *Committee on the Rights of Persons with Disabilities*
6. *Committee on Enforced Disappearances*
7. *Committee on Economic, Social and Cultural Rights*
8. *Committee on the Rights of the Child*

The mechanism of personal (individual) complaints to the Committee for the Protection of the Rights of Migrant Workers has not yet entered into force. The Committee for the Protection of the Rights of Migrant Workers is authorized to receive and consider personal (individual) communications if the application is submitted in accordance with article 77 of the Convention on violation of the provisions of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. However, the individual complaints mechanism will come into force only after receiving the necessary applications from 10 States Parties[110].

Consideration of appeals by UN human rights treaty bodies

The Human Rights Committee is a body consisting of 18 independent experts (the participating states elect them from among their citizens), which monitors the observance by the participating states of the International Covenant on Civil and Political Rights. The Committee usually meets three weeks a year, in New York in spring and in Geneva in summer and autumn.

On December 16, 1966, the first Optional Protocol to the International Covenant on Civil and Political Rights was signed in New York, USA. Individuals (citizens, stateless persons, foreign nationals) will be able to appeal to the UN Human Rights Committee against the state that has signed this Optional Protocol.

The Human Rights Committee has the authority to receive and consider reports from persons whose rights have been violated as set forth in the International Covenant on Civil and Political Rights[111]. However, the

110. Complaints about violations of human rights. Treaty bodies. https://www.ohchr.org/ru/treaty-bodies/human-rights-bodies-complaints-procedures

111. Optional Protocol to the International Covenant on Civil and Political Rights. December 16, 1966, New York. https://lex.uz/ru/docs/2702116

Committee will not receive any reports concerning a State that is a party to the Covenant but is not a party to the Optional Protocol to the International Covenant on Civil and Political Rights (art. 1 of the Protocol)[112].

According to the provisions of the Optional Protocol, the following requirements must be met for the Committee to consider a complaint:

- A complaint must contain a statement of the fact of violation of the rights specified in the Covenant;
- A complaint must be made by a person or persons under the jurisdiction of a state party to the Covenant and its Additional Protocol;
- if the person sending the complaint was not directly affected by the violation of human rights, then the victim must provide proof confirming the accuracy of the message given on behalf of the victim;
- A complaint should not be anonymous;
- If a complaint is considered in another international process, then it will not be considered by the Committee;
- Before reporting to the Committee, the victim must have used all domestic remedies (at all levels of the national judiciary or other administrative authorities) of his State (Article 2 of the Protocol, Article 41, paragraph s of the Covenant);
- In addition, in order to verify the admissibility of the appeal, the Committee may request additional information from the affected person or the relevant state.

As defined in the Optional Protocol to the International Covenant on Civil and Political Rights, the Committee shall reject any communication submitted under this Protocol unless it is signed or if, in the opinion of the Committee, such communication is considered an abuse of right. (Article 3).

The Committee shall, subject to the provisions of Article 3 of the Optional Protocol to the International Covenant on Civil and Political

112. Optional Protocol to the International Covenant on Civil and Political Rights. Article 1 December 16, 1966, New York. https://lex.uz/ru/docs/2702116

Rights, refer any appeal submitted to it to the relevant State party to the Protocol. The State receiving such notification must submit a written explanation or statement to the Committee within six months if any steps have been taken to clarify the matter (Article 4).

Article 5 - The Committee shall consider complaints received under the Protocol in the light of all written submissions by the individual and the State Party concerned.

The Committee will not consider reports until it has received confirmation that:

a. the same matter is not being considered under another international negotiating or regulatory procedure;

b. that the person has used all possible legal remedies. The commission will hold a closed meeting while considering the messages recorded in the minutes. The Committee communicates its views to the State Party concerned and to the person concerned.

As noted above, if a state is a party to the Optional Protocol to the International Covenant on Civil and Political Rights, individuals (citizens, stateless persons, foreign citizens) will be able to file a complaint against this country with the UN Human Rights Committee.

The Republic of Uzbekistan has acceded to more than 80 international human rights instruments, including 6 major treaties and 4 optional protocols of the UN until 2020.[113] In 2021, Uzbekistan ratified the Convention on the Rights of Persons with Disabilities. With this, the number of main contracts in this field signed by our country became 7.

№	The main UN human rights treaties ratified by the Republic of Uzbekistan
1.	International Covenant on Civil and Political Rights. *December 16, 1966, New York. Entered into force for the Republic of Uzbekistan on December 28, 1995.*
2.	International Covenant on Economic, Social and Cultural Rights. *December 16, 1966, New York. Entered into force for the Republic of Uzbekistan on December 28, 1995.*

113. Decree of the President of the Republic of Uzbekistan "On approval of the national strategy of the Republic of Uzbekistan on human rights" (No.6012, 22.06.2020)

3.	Convention on the Rights of the Child. *Adopted by resolution 44/25 of the General Assembly on November 20, 1989. Entered into force for the Republic of Uzbekistan on July 29, 1994.*
4.	Convention on the Elimination of All Forms of Racial Discrimination. *(adopted by the General Assembly on December 21, 1965 and entered into force on January 4, 1969. Entered into force for the Republic of Uzbekistan on October 28, 1995.*
5.	Convention on the Elimination of All Forms of Discrimination against Women. *(Adopted by resolution 34/180 of the General Assembly on December 18, 1979) Entered into force for the Republic of Uzbekistan on August 18, 1995.*
6.	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. *December 10, 1984, New York. Entered into force for the Republic of Uzbekistan on October 28, 1995.*
7.	The Convention on the Rights of Persons with Disabilities *(New York, December 13, 2006) entered into force for the Republic of Uzbekistan on June 8, 2021.*
Optional protocols	
1.	**2 Optional Protocols to the International Covenant on Civil and Political Rights:** 1) On the accession of the Republic of Uzbekistan to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at the abolition of the death penalty *(New York, December 15, 1989). Date of acceptance 10.12.2008. Date of entry into force 22.12.2008.)* 2) Regarding the appeal procedure, i.e. "Optional Protocol to the International Covenant on Civil and Political Rights. *Date of entry into force 28.12.1995.*
2.	**2 additional protocols to the Convention on the Rights of the Child:** 1) Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. Entered into force on 23.01.2009. 2) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Entered into force on 23.01.2009.

To date, Uzbekistan has signed 7 UN treaties and has signed only the Optional Protocol to the International Covenant on Civil and Political Rights. All conventions (10 major ones) have protocols of appeal, and so far our country has only signed the protocol of the UN Human Rights Committee. The conclusion is that a complaint against the government of Uzbekistan can only be submitted to

the Human Rights Committee. In addition to the Human Rights Committee, since the protocols of the conventions for the remaining 6 committees have not been ratified by our country, it is not possible to apply to the committees of the conventions whose names are indicated in the table above. Any country ratifies conventions at will.

Decree of the President of the Republic of Uzbekistan No. PQ-4736 "On additional measures to improve the system for protecting the rights of children", adopted on May 29, 2020, contributes to the improvement of legislation on the rights, freedoms and legitimate interests of the child, aimed at ensuring the best interests of the child, the adoption of norms, in including proposals for the ratification of international instruments on the rights and freedoms of children. Moreover, in his speech at the 46th session of the UN Human Rights Council (February 22, 2021), the President of the Republic of Uzbekistan Sh.M. Mirziyoyev focused on the ratification of the Optional Protocol to the Convention against Torture.

5. UN specialized agencies and their role in ensuring human rights.

UN specialized agencies are independent international organizations that have a special cooperation agreement with the UN, and specialized agencies are created on the basis of intergovernmental agreements. Their activities are coordinated through the UN Economic and Social Council.

UN specialized agencies include:

1. *World Meteorological Organization.*
2. *World Health Organization.*
3. *World Intellectual Property Organization.*
4. *Universal Postal Union*
5. *International Monetary Fund.*
6. *International Labor Organization.*
7. *International Telecommunication Union.*
8. *International Agricultural Development Fund.*
9. *Food and Agriculture Organization of the United Nations.*
10. *World Tourism Organization*

11. *United Nations Educational, Scientific and Cultural Organization (UNESCO);*
12. *United Nations Industrial Development Organization (UNIDO)*
13. *International Development Association.*
14. *International Development and Reconstruction Bank.*
15. *International Finance Corporation.*
16. *International Civil Aviation Organization (ICAO)*
17. *International Maritime Organization*[114]

United Nations Educational, Scientific and Cultural Organization (UNESCO) and human rights.

UNESCO carries out activities aimed at the practical realization of the right to take part in cultural life, proclaimed in Article 27 of the Universal Declaration of Human Rights. In 1966, the UNESCO General Conference adopted and promulgated the Declaration of Principles for International Cultural Cooperation.

Complaints can also be directed to the UNESCO Committee. Complaints can be submitted by individuals or non-governmental non-profit organizations on the following issues: the right to education, free participation in the cultural life of society, the use of art, the right to participate in scientific developments, the freedom to seek, receive and disseminate information, freedom of conscience and speech.

About 70 international documents have been adopted by UNESCO. In particular, the Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954), the General Convention on Copyright (1955), the Convention on the Elimination of Discrimination in Education (1960), the Convention for the Protection of the Universal Cultural and Natural Heritage (1972), Recommendation on Education for International Solidarity, Cooperation and Peace and the Protection of Human Rights and Fundamental Freedoms (1974), Declaration on Race and Racial Heresies (1982), Declaration on the Principles of Tolerance (1995)

114. https://www.un.org/sites/un2.un.org/files/un_system_chart_ru.pdf

), Universal Declaration on the Human Genome and Human Rights (1997), etc.[115]

The International Labour Organization (ILO). The International Labor Organization was founded in 1919 at the same time as the League of Nations on the basis of the Treaty of Versailles. The International Labor Organization was founded after the First World War with the aim of accelerating reforms in the social sphere and coordinating them at the international level.

The ILO conventions and recommendations are international legal instruments regulating the right to work.

The uniqueness of the ILO lies in the tripartite representation in its bodies: governments, employers and workers (trade unions)[116].

In 1998, the International Labor Conference adopted the "Declaration of Basic Principles and Rights of the International Labor Organization in the Field of Labor and the Means of Implementing It". In the declaration, the ILO declared the recognition of 8 conventions as fundamental. The reason why they are called fundamental is that even if all Member States have not ratified these conventions, based on the obligation of membership in the Organization, they are obliged to fulfill the obligations listed in the conventions and help to implement their provisions.

The main conventions adopted by the International Labor Organization:

1. *Forced Labor Convention No. 29, 1930;*
2. *Convention No. 87 on freedom of association and protection of the right to organize, 1948;*
3. *The right to collective bargaining and the Convention on Associations No. 98 of 1949;*
4. *Convention on Equal Remuneration No. 100 of 1951;*
5. *Convention on the Abolition of Forced Labor No. 105 of 1957;*

115. For more information, see UNESCO's International Normative Documents. Collection. /Responsible editor L. Saidova. -T.: Adolat, 2004. -304 p.

116. Хакимов Р. Узбекистан и Организации Объединенных Наций. -3-е изд., доп. –Т.: Zar Qalam, 2006. -С.87

6. *Convention on Discrimination (Employment and Occupation) No. 111, 1958;*
7. *Convention on Minimum Age No. 138 of 1973;*
8. *Convention on Worst Forms of Child Labor No. 182, 1999*[117].

It can be said that today the normative documents of the International Labor Organization constitute a unique international legal framework for labor rights[118].

World Intellectual Property Organization. The World Intellectual Property Organization (WIPO) is a specialized UN organization that protects copyright and related rights focused on the human right to creativity and the results of its creativity. The headquarters of WIPO is located in Geneva, Switzerland. WIPO was established on July 14, 1967 in Stockholm on the basis of the "Convention Establishing the World Intellectual Property Organization". The Convention entered into force in 1970.

The World Intellectual Property Organization (WIPO) has developed international legal instruments for the protection of citizens` copyrights. These include: the Berne Convention of 1886 for the Protection of Literary and Artistic Works; WIPO Copyright Treaty 1996; 1971 Geneva Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations; 1974 Brussels Convention On the Transmission of Program Carrier Signals by Earth Satellites; WIPO Performers and Phonograms Convention 1996; Madrid Convention for the avoidance of double taxation of 1979 and others[119].

The World Health Organization is the main specialized organization for the promotion and protection of the human right

117. Махаматов М. Бирлашган Миллатлар Ташкилотининг ихтисослаштирилган муассасаси сифатида Халқаро меҳнат ташкилоти/ "Ўзбекистон ва БМТ: тажриба ва ҳамкорлик истиқболлари" мавзусидаги конференция материаллари. –Т.: ТДЮИ, 2007. -Б.204-205.

118. For more information, see Core Conventions and Recommendations of the International Labor Organization. /Responsible editor A. Saidov. - T.: National Center of the Republic of Uzbekistan for Human Rights, 2008. -240 p.

119. For more information, see: Toshev B. Legal status of copyright acts of international organizations. -T. «Voris-Nashriyot», 2007. 254 p.

to health. WHO has contributed to the adoption and successful implementation of many international instruments on healthy human development, including the global HIV/AIDS program. WHO is a specialized organization of the United Nations.

The Food and Agriculture Organization of the United Nations is considered the largest organization among the specialized agencies, an important element in the global fight against poverty and the most influential player in the promotion and protection of the right to food. At the Millennium Summit in September 2000, some 150 heads of state and government reached an agreement to fight poverty for development.

United Nations Children's Fund (UNICEF) and human rights. UNICEF was established in 1946 at the first session of the UN General Assembly to fully meet the daily needs of children in Europe and China after the Second World War. In 1950, the UN General Assembly decided that the main activity of this Fund is the implementation of a program aimed at the interests of children in developing countries. Three years later, the UN General Assembly decided to extend the activities of UNICEF for an indefinite period.

By collaborating on development and humanitarian issues, UNICEF seeks to expand its reach with developing countries to protect children and develop their full potential. Such cooperation is carried out within the framework of national programs in the field of child development. This cooperation, in essence, is aimed at ensuring that every child in the world, to the maximum extent possible, realizes the fundamental rights and freedoms proclaimed in the Convention on the Rights of the Child. In Central and Eastern Europe and the former Soviet Union, UNICEF is providing direct assistance to some countries to meet the most basic needs of children.

UNICEF has established close cooperation with the Committee on the Rights of the Child, which promotes children's rights, while at the same time monitoring the implementation of the Convention and providing assistance to countries that have ratified or acceded to the Convention. In its activities, UNICEF follows an action plan aimed at the implementation of the Universal Declaration on the Protection and Development of Children. This declaration was adopted in New York

in September 1990 at a high-level world meeting for children, attended by many heads of state and government and other dignitaries[120].

United Nations Development Program (UNDP). UNDP was created by a General Assembly resolution of November 22, 1965, as a result of the merger of the United Nations Expanded Program of Technical Assistance and the Special Fund. The main goal of the program is to assist developing countries in terms of national development. One of the main tasks of UNDP is to help ensure effective management. According to the UN Millennium Declaration, good governance is a key factor in achieving human development, raising living standards, gender equality and maintaining peace.

UNDP is actively working to improve the qualifications of lawyers in order to increase knowledge in the field of national human rights legislation and international standards, gender equality, as well as improve the quality of legal services provided to the population, especially the socially vulnerable population[121].

United Nations Environment Program (UNEP). In 1972, the UN Conference on the Human Environment in Stockholm declared that everyone has the right to a healthy environment and is responsible for protecting and improving the environment for the benefit of future generations.

In 1972, the UN General Assembly established the United Nations Environment Program (UNEP). The purpose of this is to monitor the state of the environment and encourage environmentally sound and sustainable activities. UNEP`s core mission is to act as a bridge, leader and positive accelerator for all UN agencies in environmental action. On the basis of this program, dialogues are being held on cooperation with governments, academia and the trade community, as well as with non-governmental organizations in order to protect the environment. UNEP also plays an important role in combating desertification, protecting water resources and genetic resources.

120. Саидов А. Инсон ҳуқуқлари бўйича халқаро ҳуқуқ. Дарслик. -Т.: Konsauditinform-Nashr, 2006. -Б.158-159

121. Инсон ҳуқуқлари умумжаҳон декларацияси ва Ўзбекистонда инсон ҳуқуқларини ҳимоя қилиш миллий тизими. /Муаллифлар жамоаси: А.Саидов, Ф.Бакаева, К.Арсланова ва бошқ. Масъул муҳаррир А.Х.Саидов. –Т.: “O’zbekiston”, 2010. -Б.270

In 1989, with the support and close assistance of UNEP, the Basel Convention on the Control of Transboundary Movements and Disposal of Hazardous Wastes was developed. In June 1992, the UN Conference on Environment and Development was held, at which several important international agreements in the field of environmental protection were adopted. These include the UN Convention on Climate Change, the Convention on Biological Diversity, the Agenda for the 21st Century and the Rio Declaration. The Commission on Sustainable Development, established to oversee the effective implementation of Agenda 21, has been in operation since June 1993.

All UN specialized agencies deal with human rights issues within their mandate.

At the beginning of the article, we noted that there are regional international organizations, as well as universal international organizations that control the implementation of human rights and freedoms.

Members of regional international organizations may be countries of a certain geographical region. The activity of such organizations is aimed at regional international cooperation in the field of security, economy, social, cultural and other fields. The UN Charter imposes certain requirements on such organizations. In particular, the goals and activities of their organizations must comply with the purposes and principles of the UN Charter, and these organizations must support the activities of the UN aimed at solving legal problems in the economic, social, cultural and other fields.

Today, different models of human rights protection have emerged in different regions of the world. Such models turned out to be more effective in many respects than the universal system. Such regional organizations include the European System for the Protection of Human Rights, the American System for the Protection of Human Rights, the African System for the Protection of Human and Peoples' Rights, the Permanent Arab Commission on Human Rights and Fundamental Freedoms of May 26, 1995, adopted within the framework of the CIS.

4. APPLICATION OF NORMS OF INTERNATIONAL LAW IN NATIONAL COURTS AND ITS SPECIFIC FEATURES

The preamble to the Constitution of the Republic of Uzbekistan states that the people of Uzbekistan "adopt the Constitution of the Republic of Uzbekistan, recognizing the supremacy of the universally recognized norms of international law."

Also, according to the legislation of the Republic of Uzbekistan, in the presence of contradictions between the laws of the Republic of Uzbekistan and the norms of international law, they are guided by the provisions of the norms of international law.

In particular, in part three of article 1 of the Civil Procedure Code of the Republic of Uzbekistan it is said: "if an international treaty of the Republic of Uzbekistan establishes other rules than those provided for by the legislation of the Republic of Uzbekistan on the conduct of civil proceedings, the provisions of the international treaty shall apply."[122]

In addition, article 4 of the Criminal Procedure Code of the Republic of Uzbekistan states: "Proceedings in cases of crimes committed by foreign citizens and stateless persons are carried out on the territory of the Republic of Uzbekistan in accordance with this Code.

With regard to persons with immunity, this Code is applied in cases where it does not contradict international treaties and agreements to which the Republic of Uzbekistan is a party."[123]

The third part of Article 1 of the Economic Procedure Code also provides: "If an international treaty of the Republic of Uzbekistan establishes other rules than those provided for by the legislation of the Republic of Uzbekistan, the rules of the international treaty are applied."[124]

In part two of Article 9 of the Code of the Republic of Uzbekistan on administrative liability: "A person who has committed an

122. Article 1 of the Civil Procedure Code of the Republic of Uzbekistan. Part three // National database of legislative information of the Republic of Uzbekistan. https://lex.uz.

123. Article 4 of the Code of Criminal Procedure of the Republic of Uzbekistan // National database of legislative information of the Republic of Uzbekistan. https://lex.uz

124. Article 1 of the Economic Procedure Code of the Republic of Uzbekistan. Part three // National database of legislative information of the Republic of Uzbekistan. https://lex.uz.

administrative offense on a ship flying the flag of the Republic of Uzbekistan or assigned to a port of the Republic of Uzbekistan and in open air or water space outside the territory of the Republic of Uzbekistan, unless otherwise provided by an international treaty of the Republic of Uzbekistan, if it exists, it is brought to administrative responsibility in accordance with this Code."[125]

The civil and criminal courts can apply bilateral and multilateral agreements on mutual legal assistance. The most widely used among them is the Convention "On Legal Assistance and Legal Relations in Civil, Family and Criminal Matters" (Minsk Convention of January 22, 1993). In addition, the Republic of Uzbekistan is a party to the Hague Convention "On Civil Procedure", adopted on March 1, 1954 (December 6, 1996). This Convention reflects the provisions on the submission of judicial and extrajudicial documents, the execution of judicial acts, the procedure for providing free legal assistance and other similar issues.

The Convention "On Legal Assistance and Legal Relations in Civil, Family and Criminal Matters" was signed on January 22, 1993 in Minsk and was ratified by the Resolution of the Supreme Council of the Republic of Uzbekistan No. 825-XII of May 6, 1993 (of this Convention of January 28, 1997 the Moscow Protocol of March 2019, ratified by the Law of the Republic of Uzbekistan of December 13, 2019). The Convention is binding on a number of CIS countries, including the Republic of Uzbekistan, regarding issues of providing assistance in civil, family and criminal cases, exemption from paying fees, registration of procedural actions, such as appearance, summoning witnesses, victims, civil plaintiffs and defendants, their representatives, determination of addresses and other information, determination of the eligibility of a lawsuit, cooperation in legal proceedings, recognition and enforcement of court decisions.

In accordance with Article 1 of the Minsk Convention, citizens of each of the Contracting Parties, as well as other persons residing

125. Article 9 of the Code of Administrative Responsibility of the Republic of Uzbekistan. Part two // National database of legislative information of the Republic of Uzbekistan. https://lex.uz.

on its territory, have the right to freely and without hindrance apply to the court, prosecution authorities, internal affairs bodies and other institutions within the jurisdiction of civil, family and criminal cases of another Contracting Party, whose citizens under such conditions may participate in them, file petitions, bring suits and perform other procedural actions.

In accordance with Article 13 of the Convention, documents prepared or approved by an institution or a specially authorized person in the territory of one of the Contracting Parties in the prescribed form within the limits of their authority and certified with a seal are accepted in the territory of the other Contracting Party without a special certificate. Due to the fact that not all CIS states have acceded to this Convention, and the provisions on legal assistance and legal relations in civil, family and criminal cases are relatively short, on August 26, 2019, the Law of the Republic of Uzbekistan "On Accession to the Chisinau Convention "On legal assistance and legal relations in civil, family and criminal cases" was adopted.

On August 26, 2019, the Law of the Republic of Uzbekistan "On the Accession of the Republic of Uzbekistan to the Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters (Chisinau, October 7, 2002)[126]" was adopted. Prior to this, the Republic of Uzbekistan carried out issues of mutual legal assistance with the CIS countries on the basis of the Minsk Convention "On Legal Assistance and Legal Relations in Civil, Family and Criminal Matters", adopted on January 22, 1993. Both Conventions raised issues of mutual legal assistance in civil, family and criminal matters between states. However, the Chisinau Convention was adopted as an improved form of the Minsk Convention in order to facilitate the implementation of mutual legal assistance between countries.

Improvements to the Chisinau Convention can be seen in the following:

- regulation of economic issues - *Article 1;*
- legal protection of property rights;

126. The Chisinau Convention was adopted on October 7, 2002.

- communication on the production of procedural actions requiring the sanction of the prosecutor (court), and the production of operational-search measures is carried out through the prosecutor`s office *(UBEP under the General Prosecutor's Office, the Compulsory Enforcement Bureau under the General Prosecutor's Office). Office) - Article 5;*

- if the requested legal aid institution does not have the authority to execute the order, then it must send a request to the authorized institution within 5 days *(the term for sending to the authorized institution is not clearly defined in the Minsk Convention. Failure to specify the term entails delaying the case for a long time (Article 8, part 2);*

- collection of fines, as well as issues of enforcement of court decisions on confiscation of proceeds and property obtained from criminal activity. *The Minsk Convention provides for the recognition and enforcement of judgments in civil and family matters and notarial documents on monetary obligations, as well as judgments on compensation for harm in criminal cases (Article 51). Under the Chisinau Convention, the law of the requesting state applies to the collection of fines, proceeds of crime and confiscation of property, the transfer of confiscated property or equivalent property to the requesting state in whole or in part, as well as the distribution of confiscated property in each specific case, as well as issues of mutual consent of states (article 58);*

- in special cases, when it is impossible to postpone, it is permitted to send an order for the provision of legal assistance by facsimile or using other types of communication means; in this case, the original assignment must be sent by mail or courier - *Article 7;*

- provision of legal assistance in organizing and conducting examinations in civil, family and criminal cases and regulating the procedure for their conduct and financing;

- organization of expert research. *(The institution of a contracting party, when organizing and conducting an examination, is based on its internal legislation. When one contracting party requests the other party to conduct an examination and give an opinion on the*

results of the study, the second party provides the results of the study conducted on the basis of its legislation to the first party, requesting the expert opinion, regardless of whether it was carried out on the basis of the domestic law of the party, it will have the same legal effect for the first party (Article 10). The cost of organizing and conducting the examination shall be borne by the State requesting the examination);

- cases of refusal to provide legal assistance are specified *(if the provision of legal assistance damages the sovereignty or security of the state or contradicts the legislation of the state, the provision of legal assistance may be denied in whole or in part. The reasons for the refusal are reported to the other party. (Article 21));*

- the presence of a separate section on the conduct of criminal cases (section IV), which clearly describes a number of procedural processes; included a separate article (Article 60) on the form and content of an order for the provision of legal assistance in criminal cases. *According to it, the country requesting legal aid must provide the second country with the following information. That is, information about the content and qualification of the crime committed, information about the amount of damage, if the damage was caused as a result of criminal activity, procedural actions to be committed within the framework of a criminal case, operational-search measures, as well as a clear list of other information necessary to complete the task; a list of questions to be clarified during interrogation; information about the full text of the law on the initiated criminal case. Documents related to procedural actions related to the production of operational-search measures are attached to the order for the provision of legal assistance in a criminal case, if they are officially approved and sanctioned in the prescribed manner on the basis of the legislation of the country. applying for legal assistance. There are no such requirements in the Minsk Convention, as well as a separate department for criminal cases;*

- recognition and enforcement of court decisions to freeze property, including money in bank accounts, in order to secure a claim;

- one of the most important aspects of the convention is that if the second country to which the extradition of the offender is requested does not apply the death penalty, the first country requesting the offender does not apply the death penalty to the offender *(Article 81);*

Unlike the Minsk Convention, the Chisinau Convention has more grounds for refusing extradition. That is, there are 11 cases. In these cases, it is mainly aimed at ensuring the rights and freedoms of the person to be extradited *(Article 89).*

They appear in:

1 Extradition (handover of the requested person) shall not be carried out in the following cases (the conditions specified in clauses d to k and the issue of the 10-day period specified in clause 3 are not included in the Minsk Convention):

a) if the person whose extradition is requested is a national of the requested country;

b) at the time of receipt of the request to initiate a criminal case, it is not possible to initiate a case under the legislation of the requested state, or it is not possible to focus it on execution due to the expiration of the execution period, or otherwise on other legal grounds;

c) in relation to the requested person in the territory of the requested state, a sentence has been passed for this crime and has entered into legal force, or a decision has been made to refuse to initiate a criminal case or to terminate the proceedings on the case;

g) in cases of a request for extradition, the requesting party or the requested party are held criminally liable on personal charges (at the request of the victim);

d) if the extradition is likely to harm the security and sovereignty of the requested state;

e) if there is clear evidence of extradition in connection with racial, religious, sexual, ethnic or political persecution;

j) if the act of the requested person is related to a war crime under the law of the requested state and is not considered an ordinary crime under criminal law;

z if the requested person was extradited to the requesting country some time ago and the consent of this country for extradition was not received;

i if the requested person has been granted asylum in the territory of the requested state;

k if there are other grounds provided for by an international treaty to which the requesting and requested contracting parties are parties

2 Extradition may be refused if the crime of the requested person, which is the basis for the request, was committed in the territory of the requested country.

3 If extradition is refused, the requesting state must be informed of the reasons for the refusal within 10 days from the date of the decision to refuse.

Article 80 of the Minsk Convention establishes that reporting on issues related to the commission of procedural and other actions requiring the sanction of a prosecutor (court) is carried out by the prosecutor`s office in the manner established by the Prosecutors General of the parties. Article 5 of the Chisinau Convention provides that the communication must be carried out through the prosecutor`s office (Department for Combating Economic Crimes under the General Prosecutor`s Office, Bureau of Compulsory Enforcement under the General Prosecutor`s Office) regarding procedural actions requiring the authorization of the prosecutor (court) and the performance of tasks related to search activities. The difference from the Minsk Convention is that there is no obligation to implement it in the manner prescribed by the Prosecutor General's Office.

- existing differences in national legislation are taken into account when describing individual situations characteristic of crimes and defining the terms used in relation to these situations, etc.

In addition, the implementation of the Decree of the President of the Republic of Uzbekistan No. PP-4895 dated 11/17/2020 "On measures to implement the provisions of the Convention "On legal assistance and legal relations in civil, family and criminal matters"

dated January 22, 1993 and the Convention "On legal assistance and Legal Relations in Civil, Family and Criminal Matters" dated October 7, 2002", interaction with the competent authorities of the Member States on the issues provided for in the annexes to this decision began to be carried out directly by the republican authorities or their regional authorities or organizations under their jurisdiction Establishing relationships allowed the transition from a centralized system to a decentralized system. This made it possible to promptly process requests from law enforcement and other agencies, avoid lengthy litigation, eliminate postage costs and save time. Prior to this, the Ministry of Justice served as the central body in the implementation of cooperation in civil, family and economic matters under the Minsk and Chisinau conventions, that is, all official correspondence with the competent authorities of the Member States from these conventions was carried out only through the Ministry of Justice. As a result, the processing of one request in practice took from 3 to 6 months.

As a result of the adoption of the Decree of the President of the Republic of Uzbekistan No. PP-4895, the range of topics for sending requests for legal assistance has been expanded. Now 10 bodies authorized by the Decree are empowered to send requests for legal assistance in their areas.

№	Name of the authorized body	Cooperation issues
1.	The Supreme Court	Issues related to court proceedings in criminal, civil and family cases; sending and reviewing orders for the delivery of court documents and confirming their delivery; sending and reviewing orders for conducting court procedural actions and their execution; recognition and execution of decisions on civil and family cases, as well as court-approved conciliation agreements on such cases; other matters within the competence of judicial authorities.

2.	General Prosecutor's Office	Implementation of procedural actions that require a court decision or the consent (sanction) of the prosecutor; motions for recognition and enforcement of judgment; sending and considering requests for the participation of authorized representatives of the state requesting legal assistance in the process of execution of the assignment; sending and considering the prosecutor's requests for participation in civil proceedings; carrying out criminal prosecution, bringing persons to criminal responsibility and (or) detaining them for execution of sentence; tasks related to the implementation of the preliminary investigation; issues related to criminal cases in business; temporary transfer of a person who is in prison or serving a sentence of deprivation of liberty, as well as transiting him; other matters within the jurisdiction of the prosecutor's office.
	The Department on Combating Economic Crimes under the General Prosecutor's Office	Sending and considering requests for search and seizure (withdrawal) of criminally obtained money and property, income from criminal activities; issues related to criminal cases in business; Other issues within the competence of the department.
	Bureau of Mandatory Enforcement under the General Prosecutor's Office	Sending and reviewing requests for legal assistance to determine the addresses, workplaces and incomes of persons residing in the territory of the contracting parties to which property claims in criminal, civil and family cases have been filed; sending and considering petitions for recognition and execution of judgments (decisions) of courts in criminal cases in terms of damages; issues related to operational documents.

3.	Ministry of Internal Affairs	Issues related to criminal cases in the course of business that do not apply to procedural actions that require a court decision or the consent (sanction) of the prosecutor; sending and considering requests for the participation of authorized representatives of the state requesting legal assistance in the process of execution of a task (questionnaire) related to procedural actions that do not require a court decision or the consent (sanction) of the prosecutor; sending and considering requests to determine the registered places (addresses) of natural persons, if necessary, to exercise the rights of citizens of the contracting parties; sending and processing requests for identity documents; sending and processing citizenship requests; providing information about convictions and reporting convictions; other issues within the competence of internal affairs bodies.
4.	State Security Service	Implementation of procedural actions that do not require a court decision or the consent (sanction) of the prosecutor; tasks related to the implementation of the preliminary investigation and issues related to criminal cases in the course of work; Other issues under the authority of the State Security Service.
5.	Ministry of Justice	Sending and processing requests for information related to notarial actions; sending and considering requests for recognition and execution of notarial documents and letters of execution of notaries in relation to monetary obligations; matters related to the sphere of justice bodies, as well as other civil and family matters not specified in this List.

		Sending and processing requests for sending documents on registration of civil status documents; sending and processing requests for information related to the registration of legal entities and other business entities.
6.	Ministry of Public Education	Sending and processing requests for sending documents on registration of civil status documents; sending and processing requests for information related to the registration of legal entities and other business entities.
7.	Ministry of Higher and Secondary Special Education	Sending and reviewing requests for information about higher and secondary special education.
8.	Cadastral Agency under the State Tax Committee	Sending and reviewing requests for information on the availability or non-existence of rights to real estate.
9.	Agency of "UZ Archive"	Sending and reviewing requests for information about archival references and other archival documents.
10.	Off-Budget Pension Fund under the Ministry of Finance	Sending and processing requests for information related to pensions and benefits.

According to paragraph 3 of Article 120 of the Chisinau Convention, the Minsk Convention "On Legal Assistance and Legal Relations in Civil, Family and Criminal Matters", signed between the participating States on January 22, 1993 in Minsk, and the Protocol to it of March 28, 1997, have lost strength. As an exception, the Minsk Convention and the Protocol referred to in paragraph 3 of Article 120 will continue to apply in relations between States Parties to this Convention and States that are Parties to this Convention that has not yet entered into force.

CIVIL COURTS

Case 1

The Claimant of PJSC "BankA" submitted a claim to the Mirabad Interdistrict Court for Civil Cases of the city of Tashkent on the execution of the judgment in absentia of the Sovetsky District Court of the city of Voronezh dated October 11, 2015 on the collection of debt under a loan agreement, foreclosure on pledged property, recovery of court costs from the defendants AvtoL LLC, Dealer Center A LLC, KM/Ch-A LLC, LadaA LLC, KrasA LLC.

By the decision of the Sovetsky District Court of the city of Voronezh dated November 11, 2015, it was decided: "To recover jointly from LLC AvtoL, LLC Dealer Center A, LLC KM / C-A, LLC KM / C-A, LLC LadaA, LLC KrasA, Akhmadov Kobil Sheralievich 05/22/1969 year of birth, a national of Uzbekistan in favor of PJSC "BankA" debt under the loan agreement No001-039-K 2015 dated January 29, 2015 in the amount of 386,933,468.85 rubles, the cost of paying the state fee in the amount of 66,000 rubles, and total 386,999,468 (three hundred eighty six million nine hundred ninety nine thousand four hundred sixty eight) rubles." The decision entered into force on January 10, 2017 and has not been enforced to date.

According to Article 369 of the Civil Procedure Code of the Republic of Uzbekistan, the court accepted an application for recognition and enforcement of a decision of a foreign court or a foreign arbitration court (arbitration) and considered the case within a period not exceeding one month from the date of its receipt by the court.

At the court session, the respondent - Akhmadov K. Sh. did not take part, despite the fact that he was duly notified of the time, day and place of the court session. According to Article 369 of the Civil Procedure Code of the Republic of Uzbekistan, the failure to appear

of the indicated persons, duly notified of the time and place of the court session, is not an obstacle to the consideration of the case.

Having studied the evidence provided, and also, taking into account that the application and the attached documents meet the requirements of the current civil procedural legislation and there are no grounds for refusing to recognize and enforce the decision of a foreign court, the court decides to enforce the decision.

According to Article 371 of the Code of Civil Procedure of the Republic of Uzbekistan, the court issued a ruling on the recognition and enforcement of a foreign court decision and issued a writ of execution for the execution of the ruling.

Question: Are the court's actions correct at this point?

Answer: *This ruling of the court is correct. According to the Minsk Convention "On Legal Assistance and Legal Relations in Civil, Criminal and Family Matters", which was ratified by the Republic of Uzbekistan and the Russian Federation at that time, it was determined that the participating countries undertake to provide legal assistance to each other in recognition and enforcement of judgments in civil cases. (Article 51 of the Minsk Convention). The Convention establishes that the consideration of a case on the recognition and enforcement of a judgment of a Contracting State court is limited to establishing the fact that the conditions stipulated by the Minsk Convention have been met. In addition, the Convention establishes that the execution procedure is determined by the legislation of the Contracting Parties (Article 54 of the Minsk Convention). Thus, in this case, the court, having studied the materials, came to the conclusion that the decision of the Sovetsky District Court of the city of Voronezh was attached to the petition for permission to recognize and enforce the decision of the Sovetsky District Court of the city of Voronezh; a document confirming that this decision has entered into force on the territory of the Russian Federation; postal receipts on notification of the person against whom the decision was made on the date and place of the court session; a copy of the loan agreement between the plaintiff and the defendant (Article 53 of the Minsk Convention). Also, given the fact*

that this case was considered in accordance with the rules specified in Chapter 42 of the Code of Civil Procedure of the Republic of Uzbekistan, it should be concluded that this definition of the Mirabad Interdistrict Court is completely correct.

Case 2

On January 15, 2020, the Guzar district court on civil matters received a request for recognition and enforcement of the decision of the Chernushinsky District Court No. 3 of the Perm Territory of the Russian Federation concerning the recovery of child maintenance payments from a citizen of the Republic of Uzbekistan - Askarov B. in the amount of ¼ of the salary for the maintenance of a minor child.

Based on the materials of the case, it was established that on May 1, 2019, the Chernushinsky District Court No. 3 of the Perm Territory of the Russian Federation ruled in the case of the recovery of child maintenance payments, as well as the recovery of a state fee in the amount of 150 rubles in favor of the state, from a citizen of the Republic of Uzbekistan Askarova B. This decision came into force on June 15, 2019.

Due to the fact that this decision was not executed by the defendant on the territory of the Russian Federation, and given the fact that the defendant lives in the territory of the Guzar district of the Republic of Uzbekistan, this court decision was sent for enforcement to the Republic of Uzbekistan. According to Article 5 of the Minsk Convention "On legal assistance and legal relations in civil, family and criminal matters" to which both the Republic of Uzbekistan and the Russian Federation are parties, a request for the enforcement of this decision on the territory was sent to the Ministry of Justice of the Republic of Uzbekistan, from where it was sent to the Supreme Court of the Republic of Uzbekistan. Given the fact that the respondent in the case has a permanent place of residence in the Guzar district, the case materials were transferred to the Guzar district court on civil matters.

According to Article 51 of the Minsk Convention, the contracting states provide mutual legal assistance in the recognition and

enforcement of decisions of each other`s justice institutions in civil and family cases, including court-approved amicable agreements in such cases and notarial deeds in respect of monetary obligations.

The Guzarsky District Court for Civil Cases considered this decision within a period not exceeding one month from the date of receipt of the request, and issued a decision on the execution of an application for recognition and enforcement of the decision of the Chernushinsky District Court No. 3 of the Perm Territory of the Russian Federation on the recovery of child maintenance payments from the respondent in favor of the claimant for the maintenance of a minor child in the amount of ¼ of the monthly salary.

In connection with the recognition of the court decision on the basis of this ruling, the court sent a writ of execution to the Guzar District Compulsory Enforcement Department.

A copy of the court decision was sent to the Chernushinsky District Court No. 3 of the Perm Territory of the Russian Federation and to the claimant in the case.

Question: Are the actions of the Guzor interdistrict court on civil matters correct?

Answer: *This decision of the court is correct, as, according to Article 264 of the Code of Civil Procedure of the Republic of Uzbekistan, recognition and enforcement of decisions of foreign courts and foreign arbitration courts (arbitration) is carried out if it is provided for by international treaties of the Republic of Uzbekistan. Since the Republic of Uzbekistan is a party to the Minsk Convention, the Republic of Uzbekistan has assumed the obligation to provide mutual legal assistance to other states - parties to the convention in the execution of court decisions. Given that the execution of a court decision on the recovery of child maintenance payments is included in the scope of legal assistance provided by the states parties to the convention, the decision of the Chernushinsky District Court No. 3 of the Perm Territory of the Russian Federation must be executed on the territory of the Republic of Uzbekistan. And the competent authority executing the decisions of a foreign court is the court of the Republic of Uzbekistan.*

Case 3

K. Zokirova, a citizen of the Republic of Uzbekistan, married S. Ivanov, a citizen of Russia in 2019. In 2020, they had a child. Two months after the birth of the child, the couple divorced for some reasons. After that, in April 2020, citizen of the Republic of Uzbekistan K. Zokirova returned to Uzbekistan to Urganch district, Khorezm region, where her father's house is located. After arriving in Uzbekistan, S. Ivanov, who is considered to be the child's father, repeatedly appealed to S. Ivanov to cover part of the expenses for child care, but S. Ivanov never sent money. After that, in December 2020, the plaintiff K. Zokirova filed a lawsuit against the defendant S. Ivanov in the Urganch Inter-District Court on Civil Matters. The Urganch court satisfied the claim and issued a decision to collect alimony from the respondent S. Ivanov.

Since the permanent residence of the respondent is Russia, in February 2021, the Urganch Inter-District Court on Civil Matters, submitted a request for recognition and enforcement of the court decision to the Trusovsky District Court of the Astrakhan region of Russia in accordance with Article 54 of the Chisinau Convention "On Legal Assistance and Legal Relations in Civil, Family and Criminal Matters", which was adopted on October 7, 2002 and acceded to by the Republic of Uzbekistan in 2019. The petition was sent through the Supreme Court of the Republic of Uzbekistan. Certified copies of the decision of the Urganch court and the writ of execution were attached to the petition. However, the petition was not directed to execution by the Trusovsky district court, and the documents were sent back.

Question: Are the actions of the court of the Trusovsky district of the Astrakhan region of Russia correct in this case?

Answer: *The actions of the court of the Trusovsky district of the Astrakhan region of Russia are correct in this case. The reason is that Chisinau Convention "On Legal Assistance and Legal Relations in Civil, Family and Criminal Matters: had not yet entered into force in the Russian Federation at that time. This convention entered into force in the Russian Federation on January 1, 2022.*

In this regard, it would be appropriate if the request for recognition and enforcement of the court decision was sent in accordance with the Minsk Convention "On Legal Assistance and Legal Relations in Civil, Family and Criminal Matters" adopted on January 22, 1993. (Article 51 of the Minsk Convention. Recognition and enforcement of decisions).

Case 4

On July 12, 2017, the Kattakurgan district court on civil matters considered the case on establishing paternity and child maintenance payments for the minor Hikmatova M., who was born on March 8, 2015.

Based on the materials of the case, it was established that the claimant Fazilzhonova A. filed a claim against the respondent Fazilzhonov K. to establish paternity and collect child maintenance payments from the defendant for the maintenance of the minor daughter Hikmatova M. During the trial, it was established that the claimant and the respondent had a daughter March 2015, at the time when no marriage was registered between them. Given the fact that the claimant and the respondent had not lived together for a long time, the claimant submitted a claim to court in order to establish paternity and maintenance obligations of the respondent. By the decision of the Kattakurgan court, the claim was satisfied.

Taking into account the fact that the respondent does not live on the territory of the Republic of Uzbekistan, and has a permanent place of residence in the Spitamen district of the Sogdian region of the Republic of Tajikistan, the Kattakurgan court sent a petition for enforcement of the decision to the Spitamen district court. The petition was sent through the Ministry of Justice of the Republic of Uzbekistan. The petition was accompanied by certified copies of the decision of the Kattakurgan court and the writ of execution. However, the petition was returned without execution by the Spitamen District Court.

At the time of the consideration of the case, the Republic of Uzbekistan and the Republic of Tajikistan provided mutual legal assistance in the execution of court decisions on the basis of the Minsk Convention "On legal assistance and legal relations in civil, family and criminal cases" dated March 28, 1997. The Spitamen

District Court returned the request without execution due to the fact that the documents attached to it (decision and writ of execution) were sent in Uzbek. According to Part 3 of Article 53 of the Minsk Convention, a request enforcement of a decision and the documents attached to it must be accompanied by a certified translation into the language of the requested Contracting Party or into Russian. Due to the fact that the documents were sent in the original language (in Uzbek) and were not properly translated into Tadjik or Russian, the request was returned without execution lawfully. To prevent cases of return, it is recommended to strictly comply with the requirements for sending a petition for the execution of a court decision in the territory of another state and the documents attached to it.

Case 5

The Supreme Court of the Republic of Uzbekistan received a note (official diplomatic appeal of the government of one state to the government of another state) from the Embassy of the Republic of Turkey with a request for assistance in the execution of a court order from the family court of the Manavgat region of the Republic of Turkey to deliver court documents to a national of the Republic of Uzbekistan - Shavkatov D. Based on the fact that Shavkatov D. does not live in the territory of the Republic of Turkey, the decision to dissolve the marriage was sent through the Turkish Embassy in the Republic of Uzbekistan to the Supreme Court with a request for assistance in serving the decision to Shavkatov D.

Based on the fact that citizen D. Shavkatov lives in the Mirzo-Ulugbek district of the city of Tashkent, this note was transferred to the Mirzo-Ulugbek inter-district civil court of the city of Tashkent for consideration and execution.

According to the materials of the case, it was established that the family court of the Manavgat region of the Republic of Turkey issued a decision to dissolve the marriage between a citizen of the Republic of Uzbekistan - Shavkatov D. and a citizen of the Republic of Turkey - Alimova Sh.

On November 10, 2017, the Mirzo Ulugbek interdistrict court on civil matters, in an open court session, considered this order on

family cases of the Manavgat region of the Republic of Turkey on the delivery of court documents to Shavkatov D. The defendant attended the court session and signed the protocol of the court session on the transfer of the family court decision Manavgat region of the Republic of Turkey. Further, this protocol was sent back to the family court of the Manavgat region of the Republic of Turkey through the Consular Department of the Ministry of Foreign Affairs of the Republic of Uzbekistan.

According to the Treaty on the provision of mutual legal assistance in matters of nationality, trade and criminal matters between the Republic of Uzbekistan and the Republic of Turkey dated June 23, 1994, the courts of the Republic of Uzbekistan and the Republic of Turkey provide mutual legal assistance, including the execution of procedural actions by the courts. (Article 4 of the Treaty).

Case 6

On May 14, 2021, the Court on civil matter of Termez city received a request to recognize and enforce the decision of the Issyk-Kul District Court of the Republic of Kyrgyzstan to recover from Ivanenko A., a national of the Republic of Uzbekistan, a debt obligation expiring from a loan agreement between him and the "Bank of Asia".

Based on the materials of the case, it was studied that the claimant - the "Bank of Asia" filed a request for the recovery of debt on credit obligations from the defendant - Ivanenko A. According to the claimant`s request, on July 1, 2019, a consumer loan agreement No. 2020-Y / 56 was signed between it and the respondent. According to the agreement, the bank provided the respondent with a loan in the amount of 30,100,000 soms for a period of 36 months at 23% per annum. In accordance with the terms of the agreement, the debtor undertook to pay the principal amount of the debt and accrued interest on it within the terms established by the loan agreement. However, the defendant failed to fulfill obligations to pay the principal and accrued interest within a period of up to 4 months. As a result, a dept arose. After numerous warnings, the "Bank of Asia" filed a

petition against the defendant with the Issyk-Kul District Court of the Republic of Kyrgyzstan.

The hearing has been scheduled for February 12, 2020. The defendant was not present at the court session, despite the fact that he was notified of the place and date of the court hearing. The court, referring to Article 734 of the Civil Code of the Republic of Kyrgyzstan, satisfied the claims of the claimant and issued a decision on the forced collection of debt on credit obligations from the respondent.

Taking into account the fact that the respondent was not a citizen of the Republic of Kyrgyzstan and at the time of receiving the loan only had a residence permit in the state, a request for recognition and enforcement of this judgment was sent to the Republic of Uzbekistan, where the defendant had a permanent residence and citizenship. The request was accompanied by the respondent`s passport details, as well as the alleged address of his residence.

Since the alleged address of the respondent`s residence was in the city of Termez, this request was sent for execution to the Court on civil matters of Termez city. Having analyzed the materials of the case, the court ruled to schedule a hearing. During the court hearing, the respondent argued that he was not notified of the trial in the Issyk-Kul district court, as a result of which he did not have the opportunity to provide his arguments about the invalidity of the loan agreement between him and the "Bank of Asia". The court, having studied the request and the documents attached to it, issued a decision to refuse recognition and enforcement of the decision of the Issyk-Kul district court. The refusal to recognize and enforce the decision was sent to the Issyk-Kul District Court of the Republic of Kyrgyzstan.

This decision of the court, as well as all the procedural actions taken by it are correct. According to the first part of Article 59 of the Chisinau Convention "On Legal Assistance and Legal Relations in Civil, Family and Criminal Matters" of 2002, to which the Republic of Uzbekistan and the Republic of Kyrgyzstan are members, the recognition and enforcement of decisions of the court of the country party to the Chisinau Convention may be denied in case if the decision was made in violation of the provisions established by the

Convention. In part two of Article 56 of the Chisinau Convention, it is established that a document must be attached to a request for the enforcement and recognition of a decision, from which it follows that the party against which the decision was made, which did not take part in the process, was duly and timely summoned to court. The court, as a result of studying the case materials, did not find evidence of the fact that the Issyk-Kul District Court of the Republic of Kyrgyzstan duly notified the respondent of the trial. As a result, the court decided to refuse recognition and enforcement.

Case 7

The Supreme Court of the Republic of Uzbekistan received a request from the Supreme Court of the Republic of Latvia for the provision of legal assistance in the recognition and enforcement of a court order of the Jelgava City Court of the Republic of Latvia on serving a court decision to a citizen of the Republic of Uzbekistan Latipova Kh.

Based on the materials of the case, it was established that the court of the city of Jelgava issued a decision to dissolve the marriage between a citizen of the Republic of Latvia - Janis Balodis and a citizen of the Republic of Uzbekistan - Halima Latipova.

Based on the fact that Latipova Kh. does not reside in the territory of the Republic of Latvia, a request to assist in the performance of the procedural action, as the delivery of a judgment to the party, was sent to the Supreme Court of the Republic of Uzbekistan.

The Supreme Court, taking into account the fact that according to the materials of the case it was established that Latipova Kh. has a permanent place of residence in the city of Asaka, Andijan region of the Republic of Uzbekistan, sent this petition for execution to the Inter-district court of the city of Asaka on civil matters.

The Inter-District Court scheduled a court hearing for March 12, 2021. Latipova Kh. was notified of the place and time of the letter of request by post. However, as it was found out, Latipova H. has not been living in the territory of the city of Asaka for more than five years. As a result, the court sent an official request to the internal affairs bodies of the Republic of Uzbekistan to establish the actual place of residence of the citizen.

According to a response letter from the bodies of internal affairs, it was established that Latipova Kh. had been living in the territory of the Almazar district of Tashkent for three years. The inter-district court of Asaka, having received a response letter from the bodies of internal affairs, returned the request of the court of the city of Jelgava of the Republic of Latvia and sent a response letter to the Central Internal Affairs Directorate.

Question: Is the action of the Asaka Interdistrict Civil Court correct at this point?

Answer: *This procedural action of the court is incorrect. According to Article 3 of the Agreement between the Republic of Uzbekistan and the Republic of Latvia "On legal assistance and legal relations in civil, family, labor and criminal cases" dated May 23, 1996, the courts of the Republic of Uzbekistan and the Republic of Latvia provide mutual legal assistance in the form of delivery of court documents. When delivering judicial documents, the competent authority of the country of the performer takes the necessary measures to establish the address for service of documents. If the address indicated in the documents for service is not the address of the permanent residence of the addressee, the competent authority that established the address of the permanent residence of the addressee must forward the documents for service to the competent authority at that address.*

Case 8

The Iliysky District Court of the Almaty Region of the Republic of Kazakhstan, on March 3, 2021, in an open session, considered the claim of Bekzhanov Ch., a national of the Republic of Kazakhstan, against Erkinova V., a national of the Republic of Uzbekistan, for the recovery of child maintenance payments for the maintenance of a minor child - Bekzhanova F.

By decision of the Iliysky District Court, it was established that the respondent Erkinova V. was obliged to pay child maintenance payment for a minor child Bekzhanova F., born in 2009, ¼ of all types of earnings monthly until the child reaches the age of majority.

Based on the fact that the respondent is a citizen of the Republic of Uzbekistan and has a permanent residence in Uzbekistan, the Iliysky District Court sends an appeal to the Bureau of Compulsory Enforcement under the General Prosecutor's Office of the Republic of Uzbekistan with a request to recognize and enforce its decision. However, the Bureau of Compulsory Enforcement of the Republic of Uzbekistan refused to execute this appeal and returned it to the Iliysky District Court.

Question: Are the actions of the Enforcement Bureau under the General Prosecutor's Office of the Republic of Uzbekistan correct in this situation?

Answer: *The actions of the Compulsory Enforcement Bureau under the General Prosecutor's Office of the Republic of Uzbekistan are considered correct in this regard.*

According to the first part of Article 5 of the Chisinau Convention, to which both the Republic of Uzbekistan and the Republic of Kazakhstan are members, in order to provide mutual legal assistance, the competent authorities of both states communicate with each other.

The party in favor of which the decision was taken shall submit a request for recognition and enforcement of the decision to the competent court of the Contracting Party where the decision is to be enforced. It can also be sent to the court that made a decision on the case in the first instance. This court shall refer the petition for recognition and enforcement of its judgment to the court having jurisdiction over the petition. (Article 56 of the Chisinau Convention). In this case, the court was competent to apply for the execution and recognition of its decision to the Supreme Court of the Republic of Uzbekistan.

Case 9

The City Court of Grodno, on October 27, 2021, in an open session, considered the claim of Evgeny Blashko, a national of the Republic of Belarus, against Matvey Ivanenko, a national of the Republic of Uzbekistan, for the recovery of a debt in the amount of 245,000 Belarusian rubles and court costs related to the consideration of the case.

Based on the materials of the case, it was established that there were contractual obligations between the claimant and the respondent, which were fully performed by the claimant, but left unfulfilled by the respondent. Despite numerous warnings, the respondent failed to fulfill its obligation to pay 245,000 Belarusian rubles. As a result, the city City Court of Grodno ruled to recover the debt from the respondent.

However, since the respondent did not have a permanent place of residence on the territory of the Republic of Belarus, the claimant filed a petition to the Supreme Court of the Republic of Uzbekistan with a request to allow the execution of the decision of the Grodno court on the territory of the Republic of Uzbekistan.

The Supreme Court of the Republic of Uzbekistan sent all documents to the Uchtepa Inter-District Court on Civil Matters, taking into account that the defendant is permanently registered in the Uchtepa district of Tashkent city. The Uchtepa district court, having studied the claim and the attached documents, issued a decision on the execution of the decision of the Grodno City Court. The writ of execution was sent to the Compulsory enforcement bureau of the Uchtepa district.

Question: Are the actions of the Uchtepa Interdistrict Court on Civil Matters correct in this regard?

Answer: *The actions of the Uchtepa Interdistrict Court on Civil Matters are correct in this case.*

This decision of the Uchtepa Court is correct, based on the fact that, according to the first part of Article 56 of the Chisinau Convention "On Legal Assistance and Legal Relations in Civil, Family and Criminal Matters" of October 7, 2002, a request for recognition and enforcement of the decision can be filed by the party in whose favor the judgment was rendered. However, there is no mandatory requirement that a request for enforcement of judgments be submitted through the judicial authorities of the country where the judgment was rendered.

Also, it should be noted that before examining the facts of the case, the courts must check whether there are international treaties (conventions) with the state, whose decision must be executed on the

territory of the Republic of Uzbekistan. In this case, the Republic of Uzbekistan acceded to the Chisinau Convention by law No. ZRU-554 dated August 26, 2019, while the Republic of Belarus acceded to the convention a little earlier - January 4, 2014, by law No. 116-3.

Case 10

The Prague City Court, on 11 April 2020, in an open session, considered the claim of Alexander Novak, a national of the Czech Republic, against Igor Prosak, a national of the Republic of Uzbekistan, for the recovery of a debt in the amount of CZK 1,000,000.

Based on the materials of the case, it was studied that the respondent did not fulfill his contractual obligations, as a result of which, the court ruled to recover the debt from it. Taking into account that Igor Prosak lives in the Republic of Uzbekistan and is a citizen of the Republic of Uzbekistan, the City Court of Prague sends a petition to the Supreme Court of the Republic of Uzbekistan for the recognition and enforcement of the judgment against Igor Prosak's property in the territory of the Republic of Uzbekistan. Based on the fact that Igor Prosak had a permanent place of residence on the territory of the Sergeli district, the Supreme Court sent a request for execution to the Sergeli inter-district court on civil matters.

However, having considered the materials of the case, the Sergeli interdistrict court on civil matters refused to execute the petition and returned the documents to the City Court of Prague, in accordance with the Agreement between the Republic of Uzbekistan and the Czech Republic "On legal assistance and legal relations in civil and criminal cases" dated 2003.

According to article 52, paragraph 2, of the Agreement, an official document stating that the decision has entered into force and is subject to enforcement in the territory of the Czech Republic must be attached to the application for permission to enforce the court decision. Taking into account the fact that the relevant document was not attached to the case file attached to the motion of the City Court of Prague, the Sergeli interdistrict court was entitled to return the motion without execution.

Case 1

On April 7, 2000, the Pakhtaabad district court for criminal matters received a claim for recognition and enforcement of the sentence of Saryarkinsky district court of Astana city of the Republic of Kazakhstan in part of the recovery from Bekmatov T., a national of the Republic of Uzbekistan, of a fine in the amount of 56,725 tenge.

Bekmatova T. was found guilty of committing a criminal offense under Article 393 of the Criminal Code of the Republic of Kazakhstan, according to which he was sentenced to a fine of 56,725 tenge and deportation from the Republic of Kazakhstan for 5 years. The Saryarkinsky district court requested the Pakhtaabad district court to execute the sentence on the territory of the Republic of Uzbekistan in part of the imposed punishment in the form of a fine.

The Pakhtaabad district court, having studied the materials of the case, and also taking into account paragraph "b" of Article 51 of the Minsk Convention "On Legal Assistance and Legal Relations in Civil, Family and Criminal Matters" dated January 22, 1993, which states that: "Each of the Contracting Parties on under the conditions provided for by this Convention, recognizes and enforces the judgments of the courts in criminal cases on compensation for damages issued in the territory of other Contracting Parties", refused to satisfy the application.

The court substantiated its decision by claiming that the Minsk Convention does not provide for the procedure for rendering assistance in the form of execution of a fine. The proper refusal was transferred through the Supreme Court of the Republic of Uzbekistan and the Ministry of Justice of the Republic of Uzbekistan to the Ministry of Justice of the Republic of Kazakhstan.

Question: Are the actions of the Pakhtaabad District Court correct in this situation?

Answer: *The actions of the Pakhtaabad district court are considered correct in this case. According to the Minsk Convention "On Legal Assistance and Legal Relations in Civil, Criminal and Family Matters", to which the Republic of Uzbekistan and the Republic of Kazakhstan were signatories at that time, it was determined that the participating states undertake onligation to provide legal assistance to each other in recognition and enforcement of judgments in criminal cases only in terms of compensation for damages. (Article 51 of the Minsk Convention).*

It should also be taken into account that the proceedings of this case took place in 2002 in accordance with the Minsk Convention, taking into account the fact that at that time the Republic of Uzbekistan had not ratified the Chisinau Convention "On Legal Assistance and Legal Relations in Civil, Family and Criminal Matters" dated October 7, 2002. Uzbekistan joined the Chisinau Convention by the Law of the Republic of Uzbekistan dated 26.08.2019. No. ZRU-554 "On the Accession of the Republic of Uzbekistan to the Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters" (Chisinau, October 7, 2002). The Republic of Kazakhstan ratified the Chisinau Convention earlier, on March 10, 2004, by Law No. 531 "On Ratification of the Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters". Consequently, if the case had occurred in 2022, the Republic of Uzbekistan and the Republic of Kazakhstan would have considered the issue of the collection of this fine in accordance with Article 54 (Recognition and Enforcement of Decisions) of the Chisinau Convention (judgments (decisions) of criminal courts on compensation for damages, fines and confiscation) and Article 58 (Execution of court decisions on collection of fines, confiscation of property and proceeds from criminal activities).

Case 2

The Supreme Court of the Republic of Uzbekistan received a note from the Embassy of the Republic of Turkey with a request to assist in the enforcement of a court order of the 1st instance

of the criminal court of district 34, Bakirkoy of the Republic of Turkey by assisting the delivery of the judgment to the national of the Republic of Uzbekistan Hikmatillaev I. Based on the fact, that citizen Hikmatillaev I. resides in the city of Samarkand, this note was transferred for consideration and execution to the Court for criminal matters of Samarkand city.

Based on the materials of the case, it was studied that the 1st instance of the criminal court of Bakirkoy district 34 of the Republic of Turkey issued a decision to confiscate property belonging to Hikmatillaev I., located on the territory of Bakirkoy district 34. Based on the fact that Hikmatillaev I. does not live in the territory of the Republic of Turkey, the court decision was sent through the Turkish Embassy in the Republic of Uzbekistan to the Supreme Court with a request for assistance in serving the decision to Hikmatillaev I.

On November 23, 2017, the Criminal Court of the city of Samarkand considered this order in an open court session. The defendant - Hikmatillaev I. was present at the court session and signed the protocol of the court session on the transfer to him of the decision of the 1st instance of the criminal court of Bakirkoy district 34 of the Republic of Turkey. Further, this protocol was sent back to the 1st instance of the criminal court of Bakirkoy district 34 of the Republic of Turkey through the Consular Department of the Ministry of Foreign Affairs of the Republic of Uzbekistan.

Question: Are the actions of the Samarkand City Criminal Court correct in this situation?

Answer: *In this case, the actions of the Samarkand City Criminal Court are considered correct.*

According to the Treaty "On the provision of mutual legal assistance in matters of citizenship, trade and criminal matters" between the Republic of Uzbekistan and the Republic of Turkey dated June 23, 1994, the courts of the Republic of Uzbekistan and the Republic of Turkey provide mutual legal assistance, including the execution of procedural actions by the courts. (Article 4 of the Treaty.

Case 3

The Supreme Court of the Republic of Uzbekistan received a note from the Embassy of the Republic of Bulgaria with a request for assistance in delivering court documents of the Sofia District Court dated 16.04.2016 to the national of the Republic of Uzbekistan R.Valishin. Based on the fact that citizen R.Valishin resides in Chirchik region, this note was sent for consideration and execution to the Criminal court of Tashkent region.

Based on the materials, it was studied that the District court of Sofia of the Republic of Bulgaria issued an order in respect of R. Valishin to pay the damages in the amount of 5673 euros. Based on the fact that R.Valishin does not reside on the territory of the Republic of Bulgaria, the court order was sent through the Embassy of the Republic of Bulgaria to the Supreme Court of the Republic of Uzbekistan with a request for assistance in delivering the order to R.Valishin.

To execute this court order, the Court for criminal matters of Tashkent region sent a request to the Internal Affairs Bodies at the place of residence of citizen R. Valishin. During the inspection at the place of residence of citizen R. Valishin, it was established that R. Valishin, who has a premanent residence address at Tashkent region, Chirchik, 3 microdistrict, house 32, apt. 52, is employed as a long-distance truck driver in the private company "Khojiakbar" located in the Kibray district of the Tashkent region. On October 8, 2017, it became known that R. Valishin left for a month-long business trip to the city of Samara, Russian Federation. In this regard, a document and reference No. 33 was received from the "Tinchlik" makhalla committe and prevention inspector in Chirchik, as well as an explanatory letter from his wife J. Valishina.

In this regard, on October 16, 2017, the Criminal Court of the Tashkent region in an open court session considered the order of documents from the District court of Sofia. Instead of the defendant, the defendant`s wife, Valishina L., was present at the court session. Valishina L. received a package of documents and signed the protocol of the court session. Further, the record of the court session was sent

back to the District court of Sofia through the Consular Department of the Ministry of Foreign Affairs of the Republic of Uzbekistan.

Question: Are the actions of the Chirchik City Criminal Court of Tashkent region correct in this situation?

Answer: *The actions of Chirchik City Criminal Court of Tashkent region are correct in this case.*

According to the Agreement between the Republic of Uzbekistan and the Republic of Bulgaria "On Legal Assistance in Criminal Matters" dated November 24, 2003, the courts of the Republic of Uzbekistan and the Republic of Bulgaria provide mutual legal assistance, including the delivery of court documents (Article 2).

Case 4

Khorezm Regional Criminal Court received a request from I.Islamov, a citizen of the Republic of Uzbekistan, to recognize and enforce the decision of the Lublinsk District Court of the Moscow City of the Russian Federation on compensation of damages in the amount of 200,000 rubles in favor of A.Malikov, a citizen of the Russian Federation.

Based on the case materials, it was clear that on March 3, 2022, the investigator of the Investigative Department 3 of the Investigative Department in Moscow (СЧ РОПД СУ УВД России) initiated a criminal case against Ismailov I. based on the signs of crime provided for in Article 264, Part 1 of the Criminal Code of the Russian Federation. According to the data from investigation offices, on March 1, 2022, at 16:15 at 43 Pererva St., a traffic accident occurred through the fault of Ismailov I. According to the results of the accident, Mikhalkov A. suffered bodily injuries of moderate severity. After the completion of the preliminary investigation, the criminal case with the indictment was sent for consideration to the Lyublinsky District Court of Moscow. As a result of the trial by the Lyublinsky District Court of Moscow, Ismailov I. was found guilty under part 1 of Article 264 of the Criminal Code of the Russian Federation and sentenced to compensation for damage caused to Mikhalkov A. in the amount of 200,000 rubles.

The Lyublinsky District Court of Moscow, taking into account provisions of Article 54 of the Chisinau Convention "On Legal Assistance and Legal Relations in Civil, Family and Criminal Matters" dated October 7, 2002, sent a request for legal assistance in the enforcement of a decision on the territory of the Republic of Uzbekistan on compensation for damages in International Legal Department of the Ministry of Justice of the Republic of Uzbekistan through the International Legal Department of the Ministry of Justice of the Russian Federation. (The Russian Federation could have sent this document not to the Ministry of Justice of the Republic of Uzbekistan, but directly to the Supreme Court of the Republic of Uzbekistan. Legal basis is Decree of the President of the Republic of Uzbekistan No. PQ-4895 "On measures to implement the provisions of the Convention on Legal Aid and Legal Relations in Civil, Family and Criminal Matters of January 22, 1993 and the Convention on Legal Aid and Legal Relations in Civil, Family and Criminal Matters of October 7, 2002", dated November 17, 2020).

Following the receipt of this request by the International Legal Department of the Ministry of Justice of the Republic of Uzbekistan, it was redirected for execution to the Supreme Court of the Republic of Uzbekistan. Based on the fact that Urgench was established as the place of residence of Ismailov I., this request was redirected to the Khorezm regional court for consideration.

Urganch city court on criminal matters of Khorezm region, having studied the materials of the case and guided by Article 54 of the Chisinau Convention, satisfied the request and issued a ruling on the enforcement of the decision of the Lyublinsky District Court of Moscow, Russian Federation.

Question: Are the actions of the Urganch city court of Khorezm region on criminal matters correct?

Answer: *In this case, the ruling of the Urganch city court of Khorezm region on criminal matters is considered correct.*

Because, the Republic of Uzbekistan, as well as the Russian Federation, were parties to the Chisinau Convention "On Legal Assistance and Legal Relations in Civil, Criminal and Family

Matters" dated October 7, 2002. According to Article 54 of the Convention, each of the contracting parties recognizes and enforces court decisions in criminal cases for damages issued in the territory of other contracting parties. Therefore, taking into account the fact that all the conditions stipulated by the Chisinau Convention were met, the Urganch city court of Khorezm region issued a ruling on the enforcement of the decision of the Lyublinsky District Court of Moscow.

It should be noted that the Russian Federation ratified the Chisinau Convention only on December 31, 2021 by the Federal Law "On Ratification of the Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters" The Republic of Uzbekistan, in turn, acceded to the Chisinau Convention earlier, by the Law "On accession of the Republic of Uzbekistan to the Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters" No. ZRU-554 dated August 26, 2019. Therefore, since the entry into force of the Chisinau Convention in both countries, the procedure for communication has changed and at this moment carried out in accordance with the Chisinau Convention.

Case 5

On October 30, 2017, the Ministry of Justice of the Republic of Uzbekistan received a request from the Ministry of Justice of Georgia to extradite Abbasov Lutfali Amir ugli (a citizen of Azerbaijan). The Ministry of Justice sent this application to the General Prosecutor's Office of the Republic of Uzbekistan for consideration. The decision on arrest of the City Court on Criminal Cases No. 2 of the city of Batumi, Georgia is attached to the request for extradition. Based on the materials of the case, it became known that the Abbasov Lutfali Amir ugli was found guilty under Part 2 of Art. 180 of the Criminal Code of Georgia and sentenced to 5 years in prison to be served in strict regime colonies. During the investigation by the General Prosecutor's Office of the Republic of Uzbekistan, it turned out that the Tashkent City Court for Criminal Cases issued a verdict to

terminate the proceedings in the same case against Abbasov Lutfali Amir ugli. The Tashkent City Court on Criminal Cases refused to grant the request for extradition based on the fact that the above situation contradicts Article 57 (v) of the Minsk Convention «On Legal Aid and Legal Relations in Civil, Family and Criminal Matters» dated January 22, 1993. The General Prosecutor's Office of the Republic of Uzbekistan sent the decision of the Tashkent City Court on criminal cases based on the requirements of the Minsk Convention to the Ministry of Justice of Georgia through the Ministry of Justice of the Republic of Uzbekistan.

Question: Are the actions of the Tashkent City Court in criminal cases lawful?

Answer: *The decision of the Tashkent City Court on these criminal cases is considered correct.*

The reason is that Article 57 of the Convention sets out the grounds for refusal of extradition, and paragraph (v) of this clause provides for the refusal of extradition if a legally binding sentence or decision has been made to terminate the proceedings for the same crime against the person whose detention is requested in the territory of the contracting party.

Case 6

On January 2, 2021, the Judicial collegium for criminal matters of the Tashkent city court considered the case on recognizing national Tilibergenov M. as a particularly dangerous recidivist. Based on the materials of the case, it was studied that Tilibergenov M. was repeatedly brought to justice for committing crimes specified in articles 164, 165, 166, 168 of the Criminal Code of the Republic of Uzbekistan. To consider the issue of recognizing a person as a particularly dangerous recidivist, as well as to establish the danger of citizen Tilibergenov M., the Tashkent city criminal court sent a request to the Supreme Courts of the Commonwealth of Independent States with a request to send data on the available court verdicts in relation to Tilibergenov M. Based on the results of the request, the Supreme Court of the Republic of Azerbaijan sent a response,

according to which it was established that a citizen of the Republic of Uzbekistan, M. Tilibergenova, was repeatedly prosecuted in the territory of the Republic of Azerbaijan in accordance with Article 178 of the Criminal Code of the Republic of Azerbaijan.

The Judicial Collegium for Criminal Cases of the Tashkent City Court, taking into account the data of the Supreme Court of the Republic of Azerbaijan and guided by Article 34 of the Criminal Code of the Republic of Uzbekistan, pronounced a verdict against Tilibergenov M. recognizing him as a particularly dangerous recidivist.

This verdict is correct. According to Article 99 of the Chisinau Convention "On Legal Assistance and Legal Relations in Civil, Criminal and Family Matters" dated October 7, 2002, when resolving issues on recognizing a person as a particularly dangerous recidivist or the presence of various types of recidivism in his actions, the justice institutions of the contracting parties may recognize and take into account sentences, rendered by the courts of the former USSR and the Union republics that were its constituents, as well as by the courts of the contracting parties to the Chisinau Convention.

Case 7

On July 4, 2021, the Samarkand district court for criminal matters received a request for the recognition and enforcement of the sentence of the Vashkh District Court for Criminal Cases of the Khatlon Region of the Republic of Tajikistan regarding the recovery from a citizen of the Republic of Uzbekistan Samatov A. compensation for damage in the amount of 539 694 somons.

Convicted Samatov A. was found guilty of committing a criminal offense under Article 246 of the Criminal Code of the Republic of Tajikistan by the verdict of the Vashkh District Court for Criminal Cases of Khatlon Region, according to which he was sentenced to 5 years of imprisonment and compensation for material damage in the amount of 539,694 somons.

The court based its decision on the fact that the verdict of the Vakhsh district court on criminal cases of Khatlon region was sent to

the Samarkand district court on criminal matters in the original Tajik language without being translated into Russian or Uzbek.

At the time of the consideration of the case and the submission of the petition, the Republic of Uzbekistan and the Republic of Tajikistan provided mutual legal assistance in the execution of court decisions on the basis of the Chisinau Convention "On Legal Assistance and Legal Relations in Civil, Family and Criminal Matters" dated October 7, 2002. The Samarkand District Court for Criminal Cases returned the request without execution due to the fact that the documents attached to the request (decision and writ of execution) were sent in Tadjik. According to Article 17 of the Chisinau Convention, an application for permission to enforce a decision and the documents attached to it must be accompanied by a certified translation into the language of the requested Contracting Party or into Russian. Due to the fact that the documents were sent in the original language (in Tadjik) and were not properly translated into Uzbek or Russian, the request was returned without execution lawfully.

Case 1

The Andijan interdistrict economic court received an claim from LLC "A" with a request to recognize and enforce the decision of the International Commercial Arbitration Court at the Ukrainian Chamber of Commerce and Industry dated March 16, 2019 in case 142/2019.

Based on the materials of the case, it was established that the International Commercial Arbitration Court at the Ukrainian Chamber of Commerce and Industry issued a decision No. 142/2019 dated 03/16/2019 to recover from the respondent LLC "B" in favor of the claimant "A" debt for non-fulfillment of contractual obligations in the amount of 27,000 USD. Given the fact that the respondent was a legal entity registered and operating in the territory of the Republic of Uzbekistan, the claimant LLC "A" filed a request with the Andijan interdistrict economic court for the recognition and enforcement of the decision of the ICAC at the Chamber of Commerce and Industry of Ukraine.

The court, having analyzed the materials of the case, as well as after listening to the arguments of the parties, issued a decision on full satisfaction of the claim and the issuance of a writ of execution of the decision of the arbitration court.

While making its decision, the court relied on Article 3 of the Convention "On the Recognition and Enforcement of Foreign Arbitral Awards", according to which the members of the Convention recognize arbitral awards as binding and enforce them in accordance with their internal procedural rules, as well as Article 6, in which states that the enforcement of decisions is carried out at the request of the interested party.

Uzbekistan ratified the Convention "On the Recognition and Enforcement of Foreign Arbitral Awards" (New York Convention) in accordance with the Resolution of the Oliy Majlis of the Republic of Uzbekistan dated December 22, 1995 No. 184-I "On Accession to the New York Convention on the Recognition and Enforcement

in execution of foreign awards of June 10, 1958". In accordance with Article 248 of the Economic Procedure Code of the Republic of Uzbekistan, Judgments of foreign courts and foreign arbitral awards adopted on disputes and other cases arising in economic sphere are recognized and enforced by the economic courts of the Republic of Uzbekistan if the recognition and enforcement of such judgments (awards) are provided by the relevant international treaties and the legislation of the Republic of Uzbekistan. According to Article 258 of the Economic Procedure Code of the Republic of Uzbekistan, Enforcement of the judgment of a foreign court or of a foreign arbitral award shall be made under the procedure established by the legislation of the Republic of Uzbekistan, on the basis of a writ of execution issued by the court, which has issued the ruling on recognition and enforcement of the judgment of a foreign court or of a foreign arbitral award.

Case 2

Tashkent Regional Court received a request from LLC "A" to recognize and enforce the decision of the Arbitration Court of the Chelyabinsk Region dated March 25, 2021 in case No. A76-43632/2020.

Based on the materials of the case, it was studied that the Arbitration Court of the Chelyabinsk Region issued a decision to recover from LLC "B" in favor of LLC "A" a debt in the amount of 2,919,256 Russian rubles, as well as 87,792 Russian rubles for the payment of the state fee. Upon the entry into force of this decision, a writ of execution dated May 5, 2021 was issued.

Due to the fact that the said decision was not voluntarily executed, the applicant, LLC "A", applied to the Tashkent Regional Court for recognition and enforcement of the decision of the Arbitration Court of the Chelyabinsk Region, by issuing a writ of execution.

Having studied the application and the documents attached to it, Tashkent Regional Court sent it to the Judicial Collegium of the Tashkent Regional Court on Economic Matters. Tashkent Regional Court on Economic Matters satisfied the request.

According to part 2 of article 248 of the Economic Procedure Code of the Republic of Uzbekistan, the issues of recognition and enforcement of a decision of a foreign court and arbitration are subject to resolution by the economic court at the request of the party to the dispute in whose favor the decision was made.

Taking into account the fact that the decision of the Arbitration Court of the Chelyabinsk Region is a decision of a foreign court for the Republic of Uzbekistan, the Judicial collegium for economic matters of the Tashkent regional court applied Article 7 of the Kyiv Agreement, according to which the decisions made by the competent court of one member state of the Commonwealth of Independent States in terms of foreclosure on the property of the respondent are subject to execution in the territory of another state - a member of the Commonwealth of Independent States by bodies appointed by the court or determined by the legislation of this state. Recognition and enforcement of a decision of a foreign court may be refused only if there are grounds specified in Article 9 of the Kyiv Agreement. In addition, the grounds for refusing to recognize and enforce a decision of a foreign court are provided for in Article 255 of the EPC of the Republic of Uzbekistan.

Case 3

Through the Supreme Court of the Republic of Uzbekistan, Economic court of Namangan region received a claim from "Global Group" LLC for the recognition and enforcement of the decision of the Arbitration Court of the Rostov Region No. A53-298/2018 dated June 6, 2018 on the collection of debt from the debtor – "Agroeconom" LLC in the amount of 60727.71 US dollars.

Based on the materials of the case, it was established that "Global Group" LLC filed a claim with the Arbitration Court of the Rostov Region against "Agroeconom" LLC for the recovery of the main debt, unjust enrichment and losses in the total amount of 60,727.71 US dollars. The Arbitration Court of the Rostov Region considered the case in open session, but without the participation of the respondent`s representative, and issued a ruling of the Arbitration Court of the Rostov Region to collect the debt.

Due to the fact that the respondent did not have property on the territory of the Russian Federation, the claimant applied to the Supreme Court of the Republic of Uzbekistan with a request for recognition and enforcement on the territory of the Republic of Uzbekistan of the decision of the Arbitration Court of the Rostov Region.

Since the respondent "Agroeconom" LLC is registered from Namangan region, the Supreme Court of the Republic of Uzbekistan sent the case materials to the Namangan regional court. The case materials were reviewed by the Judicial Collegium on Economic Matters of the Namangan Regional Court, and the respondent was introduced to the petition of the plaintiff.

The respondent, in turn, during the oral hearing, made a request to reject the execution of the decision, due to the fact that the respondent was not notified of the court hearing in the case in the Arbitration Court of the Rostov Region, as a result, he did not have the opportunity to present his arguments.

Judicial Collegium on Economic Matters of the Namangan Regional Court, having reviewed the case materials and seeing that evidence was attached to the fact that the defendant was informed about the time and place of the court session, considered that there is no reason to refuse to recognize and enforce the decision of the Arbitration Court of the Rostov region, and issued a decision on recognition and enforcement, as well as a writ of execution.

In accordance with Article 7 of the Agreement "On the procedure for resolving disputes related to the implementation of economic activities", signed by the States - members of the Commonwealth of Independent States, are subject to execution on the territory of other states - members of the Commonwealth of Independent States (Ratified by the Republic of Uzbekistan on May 6, 1993).

If the second party has not been informed about the legal proceedings in accordance with paragraph «g» of the first part of Article 9 of the Agreement, the enforcement of the decision may be refused at the request of the second party. However, at this point, evidence was attached to the Court of Uzbekistan that the Arbitration Court of the Rostov Region informed the defendant about

the time and place of the court session. Based on this, the court of first instance considered that there are no grounds for refusing to recognize and enforce the decision of the Arbitration Court of Rostov Region in this case. Therefore, the decision of the Arbitration Court of Rostov region dated June 6, 2018 in the case can be recognized and enforced.

Case 4

In an open court session, Judicial Collegium on Economic Matters of the Andijan Regional Court considered the case on the claim of ХАЖ "А" on the recognition and enforcement of the decision of the International Commercial Arbitration Court at the Chamber of Commerce and Industry of Ukraine in case No. 142/2019 on debt in the amount of 27,000 US dollars for the delivered goods and a fine in the amount 17,000 US dollars for the violation of the delivery period of the goods.

The court session was attended by a representative of the claimant (by PoA), as well as the respondent. During the meeting, the respondent argued that the decision of the International Commercial Arbitration Court at the Ukrainian Chamber of Commerce and Industry cannot be enforced, given the fact that the respondent and the claimant did not agree on the appointment of an arbitrator who considered this case.

Under Article 3 of the Convention "On the Recognition and Enforcement of Foreign Arbitral Awards", each Contracting State shall recognize awards as binding and enforce them in accordance with the procedural rules of the territory where recognition and enforcement of those awards is sought. According to Article 5(1)(b) of the Convention, recognition and enforcement of an award may be refused at the request of the party against whom it is directed if that party presents to the court evidence that it was not duly notified of the appointment of an arbitrator.

However, based on the materials of the case, it was learned that the arbitrator in the case was appointed by the decision of the International Commercial Arbitration Court at the Ukrainian

Chamber of Commerce and Industry, due to the fact that the parties to the dispute delegated their authority to appoint an arbitrator to the arbitration court.

By virtue of this fact, the court issued a ruling on recognition and enforcement and, in accordance with Article 258 of the Economic Procedural Code of the Republic of Uzbekistan, issued a writ of execution for the execution of the decision on the territory of the Republic of Uzbekistan.

Under the New York Convention, the absence of an agreement on the appointment of an arbitrator may become a reason for refusal to recognize and enforce the award of this arbitration (Article 5 of the New York Convention). However, the party seeking the denial of enforcement must provide adequate evidence that it has not reached an agreement to appoint an arbitrator. In the present case, there was no such evidence. In addition, evidence was presented to the court that the parties delegated their authority to appoint an arbitrator to the arbitration center itself, from which it follows that the arbitrator in the case was fully competent to hear the case.

Case 5

By the decision of the Economic Court of the Republic of Azerbaijan dated March 25, 2001, a debt in the amount of 10,038,844 manats was assigned to collect from the debtor "B" in favor of the applicant "A". Upon the entry into force of the said decision, a writ of execution dated May 5, 2001 was issued.

Due to the fact that the said decision was not voluntarily executed, and given the fact that the debtor has registered property only on the territory of the Republic of Uzbekistan, on January 16, 2021, the applicant submitted a claim to the Supreme Court of the Republic of Uzbekistan with a request for its recognition and enforcement.

Since the debtor "B" is located in the Tashkent region, the Supreme Court of the Republic of Uzbekistan sent the case to the Tashkent regional court.

According to part 2 of Art. 248 of the EPC, the issues of recognition and enforcement of a judgment of the foreign court or of

a foreign arbitral award shall be resolved by the economic court upon a statement of the party of the dispute in whose favor the judgment or award has been made.

The Tashkent regional court for economic matters considered this application in accordance with Article 7 of the Kyiv Agreement "On the procedure for resolving disputes related to the implementation of economic activities" (Kyiv, March 20, 1992). According to Article 7 of the Kyiv Agreement, the member states of the Commonwealth of Independent States (hereinafter referred to as the CIS) mutually recognize and execute the decisions of the competent courts that have entered into legal force. Decisions issued by the competent courts of one CIS member state shall be enforceable on the territory of other CIS member states. Decisions issued by a competent court of one CIS member state in terms of foreclosure on the respondent`s property are subject to execution in the territory of another CIS member state by bodies appointed by a court or determined by the legislation of that state.

Recognition and enforcement of a decision of a foreign court may be refused only if there are grounds specified in Article 9 of the Kyiv Agreement.

In this case, the Court found out that the deadline for submitting the decision for execution has expired before the plaintiff submitted an application for execution to the Tashkent Regional Court. And based on paragraph d of the first part of the 9th article of the Kiev agreement (the three-year statute of limitations for submitting the decision for execution has passed), he issued an order to refuse the execution of the decision.

Question: Are the actions of the Judicial Collegium on Economic Matters of the Tashkent region correct in this situation?

Answer: *In this case, the decision of the Judicial Collegium on Economic Matters of the Tashkent region is considered incorrect.*

The reason is that, according to Article 9 of the Kiev Agreement, the court decision can be rejected to recognize and execute only at the request of the person (party) against whom the decision was made, and only if this party presents evidence to the competent court

under one of the clauses of this article. In this case, no application or petition was received by the respondent. In the case materials, as well as during the hearing of the case, the defendant did not provide evidence that it was not possible to execute the decision on the territory of the Republic of Uzbekistan. Therefore, the court does not have the right to apply the norms of Article 9 of the Kyiv Agreement on its own initiative.

Case 6

The International Commercial Arbitration Court at the Chamber of Commerce and Industry of the Russian Federation in Moscow, having considered the claim of JSC "A" (claimant) against JSC "B" (respondent) and ruled to recover the debt in favor of the claimant in the amount of 8,670,066.18 USD, of which: principal debt USD 7,701,218.35, late payment interest in the amount of USD 895,412.56, expenses on payment of arbitration fees in the amount of USD 68,987, an advance made to cover the costs of participation in the arbitration arbitrator's proceedings.

Due to the fact that this decision of the arbitration court was not voluntarily executed on the part of the debtor, the claimant submitted a claim to the Tashkent city court with an application for recognition and enforcement of the arbitration decision. According to Article 254 of the Economic Procedure Code, an application for the recognition and enforcement of a decision of a foreign court or arbitration is considered at a court session within a period not exceeding six months from the date of its receipt by the economic court. In this regard, the court session in the case was scheduled for 04/21/2021, of which the parties were duly notified.

Only the claimant and the courier on behalf of the respondent were present at the court session, who submitted to the court a request on behalf of the respondent to postpone the trial for another day due to the fact that the lawyer involved to protect the rights and interests is on a business trip.

According to Article 169 of the Economic Procedural Code of the Republic of Uzbekistan, statements and petitions of persons

participating in the case on the demand for new evidence and on all other issues related to the proceedings of the case are resolved by the economic court after hearing the opinions of other persons participating in the case.

The court, having heard the opinion of the claimant's representative participating in the case, considered the respondent's arguments that the lawyer involved in the defense is on a business trip is not a basis for postponing the consideration of the case for another period in connection with which the court considered that the respondent's request should be rejected.

Additionally, the court, having studied the case materials and assessing presented evidence, considered that the application for recognition and enforcement of the judicial act was subject to satisfaction, in connection with which the court issued a writ of execution.

The court decision to satisfy the request for recognition and enforcement of the foreign arbitration award, as well as to reject the respondent`s request to postpone the hearing are correct.

Foreign arbitral awards are enforceable in accordance with the Convention "On the Recognition and Enforcement of Foreign Arbitral Awards" (New York, June 10, 1958). The Republic of Uzbekistan has acceded to this Convention in accordance with the Resolution of the Oliy Majlis of the Republic of Uzbekistan dated December 22, 1995 No. 184-I. According to Article 3 of the Convention, each Contracting State recognizes arbitral awards as binding and enforces them in accordance with the procedural rules of the territory where recognition and enforcement of these awards is sought. The recognition and enforcement of awards to which the Convention applies shall not be subject to substantially more onerous conditions or higher fees or charges than those that exist for the recognition and enforcement of domestic awards. Recognition and enforcement may be refused only in the cases referred to in Article 5 of the Convention. In the absence of such conditions, the decision of the foreign arbitration should be enforceable.

A court session is appointed to consider the case on enforcement of a foreign arbitration award. The persons participating in the case are notified of the time and place of the court session by the decision of the economic court of the Republic of Uzbekistan, in the manner prescribed by Article 127 of the EPC. The failure to appear of persons duly notified of the time and place of the court session shall not be an obstacle to the consideration of the case (Article 170 of the EPC). According to Article 169 of the EPC, statements and petitions of the persons participating in the case, related to the consideration of the case, are resolved by the economic court after hearing the opinions of other persons participating in the case. Due to the fact that the defendant's arguments that the lawyer involved to protect the rights and interests is on a business trip is not supported by documents and this circumstance is not a basis for postponing the consideration of the case for another period. It follows that the debtor's application was rightfully rejected.

Case 7

Singapore International Arbitration Center considered the case on the claim of "A" (a legal entity registered in the Russian Federation) against "B" (a legal entity registered in the territory of Uzbekistan) for the recovery of a penalty in the amount of 37,000 US dollars, $9,916 in expenses; and $18,564 in lost profits. The sole arbitrator, who considered the case decided to recover the above amount from the respondent within a period of up to 3 months from the date of signing the award by the arbitrator, due to the fact that during the arbitration proceedings, the arbitrator found that the contractual obligations were not performed by the respondent in the proper manner (The goods were not delivered on time to this day).

Since the arbitral award was not executed by the respondent, the claimant filed a request to the Tashkent city court for recognition and enforcement of the award in the territory of the Republic of Uzbekistan, based on the fact that all the registered property of the respondent is located in the territory of the Republic of Uzbekistan. Since the respondent is located in Tashkent city and the case belongs

to the economic court, the Tashkent city court sent the case to the Tashkent inter-district economic court.

At the court session, the respondent filed a motion to refuse to enforce the decision of the Singapore International Arbitration Center, due to the fact that the obligations imposed on him by the agreement with the claimant dated May 15, 2019 No. 15-04 were not executed due to the claimant`s failure to implement terms of the payment agreement. The respondent provided evidence that the goods could not be shipped until the claimant had made full payment for the goods by bank transfer.

The Economic court, having considered the request, refused to recognize and enforce the decision of the Singapore International Arbitration Center.

This decision of the court is incorrect. Issues of recognition and enforcement of a foreign arbitral award are considered in accordance with the Convention "On the Recognition and Enforcement of Foreign Arbitral Awards" (New York, June 10, 1958). Recognition and enforcement may be refused only in the cases referred to in Article 5 of the Convention. In the absence of such conditions, the decision of the foreign arbitration should be enforceable. In addition, according to part 4 of Article 254, the court does not have the right to consider the case on merits. Based on the fact that the court exceeded its authority, the decision to refuse enforcement is considered incorrect.

Case 8

The Specialized interdistrict economic court of the Turkestan Region of the Republic of Kazakhstan considered the claim of "A" against "B" for the recovery in favor of "A" the amount of the principal debt in the amount of 10,907,262 tenge, and reimbursement of expenses for the payment of state fees in the amount of 327,128 tenge. As a result, a decision was made in favor of the plaintiff to collect the main debt in the amount of 10,907,262 tenge and to cover the costs of paying the state duty in the amount of 327,128 tenge. This decision was not voluntarily executed by the respondent, and therefore,

in accordance with the Agreement "On the procedure for resolving disputes related to the implementation of economic activities" dated 20.03.1992. (Kyiv), the claimant applied to the Tashkent city court with a request for recognition and enforcement of the above judicial act. Since the respondent is located in Tashkent city, the Tashkent city court referred the case to the Tashkent inter-district economic court. However, Tashkent inter-district economic court, having examined the request, as well as the documents attached to it, issued a ruling on the return of the application without satisfaction. In the ruling, the court pointed out that the list of documents attached to the application did not include evidence that the respondent had sent a copy of the request for recognition and enforcement of a foreign court decision to the Economic court of Tashkent.

Question: Is it right for the Tashkent inter-district economic court to issue a ruling on returning the application without satisfaction?

Answer: *The Decision of the Tashkent inter-district economic court was correctly issued at this point.*

The reason is, according to Article 253 of the Economic Procedural Code of the Republic of Uzbekistan, when resolving the issue of accepting a request for recognition and enforcement of a foreign court decision, the court has the right to return the application and the attached documents if the application was filed in violation of the requirements of Articles 249-252 of the Code. Article 251 specifies a list of documents attached to a request for recognition and enforcement of a foreign court decision:

Including:

1) the judgment of the foreign court, the recognition and enforcement of which the complainant is requesting or its copy, certified by a competent body of the foreign state or the Republic of Uzbekistan;

2) an official document confirming the entry into legal force of the judgment, unless it is specified in the text of the judgment;

3) a document about the enforcement of the judgment in part if it has been enforced earlier in the territory of the relevant foreign state;

4) a document confirming that the party, against which the judgment has been made and which has not participated in the court proceedings, has been in due time properly informed of the time and place of the consideration of the case;

5) a power of attorney or another document, confirming the powers of the representative;

6) a document confirming the direction to the debtor of a copy of the statement on recognition and enforcement of the judgment of the foreign court;

7) documents confirming the payment of the state duty and postage in the prescribed order and amount, unless otherwise provided by an international treaty of the Republic of Uzbekistan;

8) a properly certified translation of the documents specified in items 1 — 5 of this article into the state language, unless otherwise provided by an international treaty of the Republic of Uzbekistan.

Case 9

By the decision of the Arbitration Court of the Polish Chamber of Commerce dated May 24, 2019, it was established that the respondent "B" (a legal entity registered on the territory of the Republic of Uzbekistan) in favor of the plaintiff "A" (a legal entity registered on the territory of Poland) recovered damages in the amount of 29,840 US dollars caused in connection with the improper execution of the purchase and sale agreement No. 884 dated September 22, 2017.

Due to the fact that this decision was not satisfied by the respondent voluntarily, the claimant submitted a claim to theTashkent city court with an application for recognition and enforcement of the decision of the Arbitration Court of the Polish Chamber of Commerce in the territory of the Republic of Uzbekistan.

The judge Tashkent city court, having considered the claim and the documents attached to it, found that, scheduled for trial on April 17, 2017 at 10 o'clock. The resolution part of the decision of the Court of Arbitration of the Polish Chamber of Commerce was announced on March 26, 2018, the full text of the decision was made on May 24, 2019. The operative part of the decision dated

March 26, 2018 states that the respondent was not notified of the arbitration proceedings. The court, in accordance with paragraph "b" of Article 5 of the Convention "On the Recognition and Enforcement of Foreign Arbitral Awards" (New York Convention), as well as paragraph 2 of Article 256 of the Code of Economic Procedure of the Republic of Uzbekistan, arbitration proceedings 2018 Due to the fact that the defendant was not notified of the appointment on March 26, the Polish Chamber of Commerce and Industry issued a ruling on refusing to recognize and enforce the decision of the Arbitration Court.

According to Article 256 of the EPC, the grounds for refusal to recognize and enforce a foreign arbitration award are as follows:

1) the parties to the arbitration agreement were in any way incompetent under the law applicable to them, or the arbitration agreement is invalid under the law to which the parties have subjected this agreement, and in the absence of such an indication - under the law of the country where the award was made;

2) the party against whom the award was made was not properly notified of the appointment of an arbitrator or of the arbitral proceedings, or was otherwise unable to submit its explanations;

3) the award is made on a dispute that is not provided for or does not fall under the terms of the arbitration agreement or arbitration clause in the contract, or contains rulings on matters that go beyond the scope of the arbitration agreement or arbitration clause in the contract, unless rulings on matters covered by arbitration agreement or clause may be separated from those not covered by such agreement or clause;

4) the composition of the arbitral body or the arbitral process was not in accordance with the agreement of the parties or, in the absence of such agreement, was not in accordance with the law of the country where the arbitration took place;

5) the decision did not become final for the parties or was canceled or suspended by the competent authority of the state where it was made, or the country whose law is applied;

6) the dispute was resolved by an incompetent foreign arbitration.

Recognition and enforcement of a foreign arbitration award may also be refused if:

1) the object of the dispute cannot be the subject of arbitration proceedings under the legislation of the Republic of Uzbekistan;

2) recognition and enforcement of this decision would contradict or threaten the public order of the Republic of Uzbekistan;

3) the limitation period for bringing the decision of the foreign arbitration to enforcement has expired.

Also, paragraph b of the first part of Article 5 of the New York Convention states that recognition and enforcement of an arbitral award may be refused at the request of the party against which it is directed only if this party submits to the competent authority in the place where recognition and enforcement is requested in enforcement, evidence that the party against whom the award was made was not properly notified of the appointment of an arbitrator or of the arbitration, or was otherwise unable to present its explanations, or by the authorities of the country where it was made, or the country whose law applied.

In this case, the respondent Polish Chamber of Commerce and Industry did not file a motion to refuse to recognize and enforce the decision of the Arbitration Court. It follows that the court did not have the right to refuse to focus on the execution of the decision of the Arbitration Court on its own initiative. That is, in this case, the court made a wrong ruling.

It should also be noted that the court had the right to examine whether the defendant was notified of the arbitration proceedings, only if the court received an application from the defendant with proper evidence.

Case 1

National of the Republic of Uzbekistan, Dzhoraev D. Submitted a claim to the administrative court on April 1, 2020. According to the complaint, at the moment when he returned to Uzbekistan from the United States, he was forcibly detained by the officers of National Guard, put on buses and placed in the Ortasaroy quarantine center in the Tashkent region. Dzhoraev D., in his complaint, emphasized that his requests for self-isolation in his house were denied, which is a violation of the requirements of the Charter "On the procedure for carrying out preventive and anti-epidemic measures in case of detection (suspected of coronavirus infection)" approved by the Resolution of the Cabinet of Ministers of the Republic Uzbekistan dated March 23, 2020 No. 176. According to D. Dzhoraev, the provisions of the Charter contradict article 8 of part 2 of the International Covenant on Civil and Political Rights, i.e. provisions that "no one can be detained against their will", and on the basis of this, he requested that the forced detention of citizens in quarantine centers be declared illegal.

Case 2

The plaintiff submitted a claim to the administrative court with a request to declare unlawful the decision of the Pension Fund Administration about refusing to grant a disability pension. Based on the materials of the case, it was established that the plaintiff did not submit the documents specified in paragraph 13 of paragraph 4 of the "Regulations on the procedure for the appointment and payment of state pensions", that is, he did not provide a certificate of disability sample 12m) TMEK. The plaintiff informed the court that in 1990 he became disabled as a result of an accident at the Moscow Doll Factory, that the certificate of his disability was issued by the Commission for Medical Occupational Expertise, located in Moscow, and that the Pension Fund Administration required a certificate of disability from a medical labor expertise

of the Republic of Uzbekistan. According to the words of the applicant, in accordance with Article 5 of the Agreement "On mutual recognition of the rights of an employee to compensation for harm caused to his health in connection with disability, occupational disease or the performance of labor duties", a certificate of passing a medical and labor examination by the commission should be recognized in the Republic Uzbekistan without re-consideration of the issue of disability by the competent authorities of the Republic of Uzbekistan.

Case 2

The claimant appealed to the administrative court to declare the decision of the Pension Fund Department to refuse to grant a disability pension illegal. According to the case files, it was found that the respondent, the Pension Fund Department, did not receive a certificate from the claimant on disability of the medical and social expert commission of the Medical and Social Services Development Agency of the Republic of Uzbekistan in accordance with the requirements specified in Clause 15 of the "Regulation on the Procedure for Assigning and Paying State Pensions". The claimant told the court that in 1990 he became disabled due to an accident while working at a Moscow doll factory and the medical labor expert commission in Moscow issued a certificate on his disability, but the Pension Fund Department demanded to submit medical certificate on disability given by the medical and social expert commission of the Agency for the Development of Medical and Social Services of the Republic of Uzbekistan. According to the claimant, in accordance with Article 5 of the Agreement signed between Uzbekistan and Moscow on September 9, 1994 "On mutual recognition of the rights of an employee to compensation for damage caused to his health in connection with work disability, occupational disease or performance of work duties", certificate of the medical labor examination commission should be recognized in the Republic of Uzbekistan and the applicant does not need to undergo a re-examination to prove his disability.

Case 3

Chang Ma, a national of the People`s Republic of China, submitted a claim to the administrative court with a request to invalidate the demand of the Consular and Legal Department of the Ministry of Foreign Affairs of the Republic of Uzbekistan to pay a consular fee of 15 US dollars for the legalization of a divorce certificate. At the court session, Chang Ma said that he married a national of the Republic of Uzbekistan in 2015 at the Yakkasaro registry office, and divorced in 2018, about which a certificate was issued, and now he wants to marry a Chinese national in his country, for which he must legalize the certificate for divorce and submit it to the Chinese authorities. The applicant reported that, according to Article 25 of the Hague Convention on Civil Procedure (1954), to which both the Republic of Uzbekistan and the People's Republic of China are members, the necessary marriage documents require consular legalization, which should be done free of charge.

The representative of the respondent informed that the consular fee is collected based on Clause 4 of the Regulation "On the procedure for collecting fees from the compensation of actual expenses related to the performance of consular actions and using the received funds, as well as the procedure for recalculating the tariff of consular fees in relation to the exchange rate of the US dollar", approved with APPENDIX to the decision No. 61 of the Ministry of Foreign Affairs of the Republic of Uzbekistan dated February 25, 2021 and decision No. 10 of the Ministry of Finance dated February 16, 2021.

Case 4

The claimant Zh. Bekov submitted a claim to the administrative court and asked the State Commission for Admission to Educational Institutions of the Republic of Uzbekistan to oblige him to accept Zh. Bekov to study at the Tashkent State Law University. According to the report of the claimant`s representative, the claimant, Bekov Zh., applied to the State Commission for Admission to Educational Institutions of the Republic of Uzbekistan with a request for admission to study at the Tashkent State Law University on preferential terms

without passing exams. According to paragraph 12, paragraph 7 of the Regulations "On the procedure for admission of students to the bachelor's degree in higher educational institutions", his request was declined due to the fact that he was not included in the list of applicants, who have benefits in accordance with the decrees of the President of the Republic of Uzbekistan and the Cabinet of Ministers. Objecting to this, Zh. Bekov stated that in 1988-1989 he worked as a cook for the Soviet Central Intelligence Agency (KGB) in Afghanistan, stated that, in accordance with paragraph 6.7.7. Annex 2 to the Agreement "On Mutual Recognition of Benefits and Guarantees for the Families of Military Personnel", he has the right to study at a higher educational institution of Uzbekistan without passing entrance exams.

Case 5

The applicant - a representative of a foreign legal entity - participates in the case of the administrative court on the invalidation of the decision of the khakim of the district on the basis of a power of attorney. The judge stated that the power of attorney should be legalized, since the power of attorney does not contain information about an apostille or consular legalization. The representative of the applicant objected and substantiated his arguments by the fact that in the Code of Administrative Procedure of the Republic of Uzbekistan the requirement for legalization is put only in relation to written evidence, that a power of attorney should be qualified not as evidence in an administrative case, but as a document defining powers, in accordance with Article 1182 of the Civil Code of the Republic Uzbekistan, the form and validity of the power of attorney are determined by the country in which the power of attorney is issued. Thus, issued by a German legal entity, the power of attorney is not considered an official document under German law, the Hague Convention "On the Abolition of the Requirement of Legalization for Foreign Public Documents" states that only official documents are subject to apostille, and in this case, the power of attorney is not an official document, therefore legalization of the power of attorney is not required.

LIST OF BILATERAL INTERNATIONAL AGREEMENTS OF THE REPUBLIC OF UZBEKISTAN IN THE FIELD OF LEGAL ASSISTANCE

№	Country	Name of the agreement	Place of signature	Date of sig-nature	Date of entry into force
1	Republic of Belarus	Agreement between the Government of the Republic of Uzbekistan and the Government of the Republic of Belarus on the exchange of legal information	Minsk	August 12, 2001	August 12, 2001
2	Republic of Tajikistan	Agreemen between the Government of the Republic of Uzbekistan and the Government of the Republic of Tajikistan on the exchange of legal information	Dushanbe	June 15, 2000	June 15, 2000
3	Georgia	Agreement between the Government of the Republic of Uzbekistan and the Executive Authority of the Republic of Georgia on the exchange of legal information	Tashkent	February 3, 2000	July 30, 2001
4	Republic of Moldova	Agreement between the Government of the Republic of Uzbekistan and the Government of the Republic of Moldova on the exchange of legal information	Tashkent	December 17, 1998	June 30, 1999

5	Russian Federation	Agreement between the Government of the Republic of Uzbekistan and the Government of the Russian Federation on the exchange of legal information	Moscow	May 6, 1998	May 6, 1998
6	Republic of Azerbaijan	Agreement between the Government of the Republic of Uzbekistan and the Government of the Republic of Azerbaijan on the exchange of legal information	Tashkent	June 18, 1997	July 11, 1997
7	Republic of Kazakhstan	Agreement between the Government of the Republic of Uzbekistan and the Government of the Republic of Kazakhstan on the exchange of legal information	Almaty	June 2, 1997	June 2, 1997
8	Republic of Kyrgyzstan	Agreement between the Government of the Republic of Uzbekistan and the Government of the Republic of Kyrgyzstan on the exchange of legal information	Tashkent	December 25, 1996	December 25, 1996
9	Republic of Turkmenistan	Agreement between the Government of the Republic of Uzbekistan and the Government of the Republic of Turkmenistan on the exchange of legal information	Tashkent	November 27, 1996	November 27, 1996

10	Republic of Turkmenistan	Agreement between the Republic of Uzbekistan and Turkmenistan on the transfer of persons sentenced to imprisonment for further serving the sentence	Tashkent	February 25, 2009	April 18, 2010
11	Republic of Bulgaria	Agreement between the Republic of Uzbekistan and the Republic of Bulgaria for extradition	Sofia	November 24, 2003	November 11, 2004
12	Republic of Bulgaria	Agreement between the Republic of Uzbekistan and the Republic of Bulgaria on legal assistance in civil matters	Sofia	November 24, 2003	November 11, 2004
13	Republic of Bulgaria	Agreement between the Republic of Uzbekistan and the Republic of Bulgaria on legal assistance in criminal matters	Sofia	November 24, 2003	November 24, 2003
14	Czech Republic	Agreement between the Republic of Uzbekistan and the Czech Republic on legal assistance and legal relations in civil and criminal matters	Tashkent	January 18, 2002	December 1, 2003

15	Islamic Republic of Pakistan	Agreement between the Republic of Uzbekistan and the Islamic Republic of Pakistan for extradition	Islamabad	January 25, 2001	April 5, 2002
16	Republic of Tajikistan	Agreement between the Republic of Uzbekistan and the Republic of Tajikistan for extradition	Dushanbe	June 15, 2000	March 28, 2001
17	Republic of India	Agreement between the Republic of Uzbekistan and the Republic of India on legal assistance in criminal matters	Delhi	May 2, 2000	April 17, 2001
18	People's Republic of China	Agreement between the Republic of Uzbekistan and the People's Republic of China for extradition	Beijing	November 8, 1999	September 29, 2000
19	Ukraine	Agreement between the Republic of Uzbekistan and Ukraine on the transfer of persons sentenced to deprivation of liberty, for further punishment	Kiev	February 19, 1998	June 20, 1999
20	Ukraine	Agreement between the Republic of Uzbekistan and the Ukraine on legal assistance and legal relations in civil and family matters	Kiev	February 19, 1998	June 19, 1999

21	People's Republic of China	Agreement between the Republic of Uzbekistan and the People's Republic of China on legal assistance and legal relations in civil and family matters	Beijing	December 11, 1997	August 29, 1998
22	Republic of Azerbaijan	Agreement between the Republic of Uzbekistan and the Republic of Azerbaijan on the transfer of persons sentenced to deprivation of liberty, for further punishment	Tashkent	June 18, 1997	June 15, 1998
23	Republic of Azerbaijan	Agreement between the Republic of Uzbekistan and the Republic of Azerbaijan on legal assistance and legal relations in civil, family and criminal matters	Tashkent	June 18, 1997	June 15, 1998
24	Republic of Kazakhstan	Agreement between the Republic of Uzbekistan and the Republic of Kazakhstan on legal assistance and legal relations in civil, family and criminal matters	Almaty	June 2, 1997	October 30, 1998
25	Republic of Lithuania	Agreement between the Republic of Uzbekistan and the Republic of Lithuania on legal assistance and legal relations in civil, family and criminal matters	Tashkent	February 20, 1997	July 19, 1998

26	Republic of Kyrgyzstan	Agreement between the Republic of Uzbekistan and the Republic of Kyrgyzstan on legal assistance and legal relations in civil, family and criminal matters	Tashkent	December 24, 1996	November 30, 1998
27	Republic of Turkmenistan	Agreement between the Republic of Uzbekistan and the Republic of Kyrgyzstan on legal assistance and legal relations in civil, family and criminal matters	Tashkent	November 27, 1996	July 21, 1998
28	Georgia	Agreement between the Republic of Uzbekistan and Georgia on the transfer of convicts to serve their sentences in the state of which they are citizens	Tbilisi	May 28, 1996	April 23, 1997
29	Georgia	Agreement between the Republic of Uzbekistan and the Georgia on legal assistance and legal relations in civil, family and criminal matters	Tbilisi	May 28, 1996	June 22, 1997
30	Republic of Latvia	Agreement between the Republic of Uzbekistan and the Republic of Latvia on legal assistance and legal relations in civil, family and criminal matters	Tashkent	May 23, 1996	April 11, 1997

31	Republic of Turkey	Agreement between the Republic of Uzbekistan and the Republic of Turkey on legal assistance and legal relations in civil, trade and criminal matters	Ankara	June 23, 1994	December 19, 1997
32	Republic of Korea	Agreement between the Republic of Uzbekistan and the Republic of Korea on legal assistance in civil and economic matters	Seoul	April 3, 2012	April 4, 2013
33	Republic of Korea	Agreement between the Republic of Uzbekistan and the Republic of Korea on mutual legal assistance in criminal matters	Seoul	April 25, 2003	June 29, 2003
34	Republic of Kazakhstan	Agreemen Between the government of the Republic of Uzbekistan and the government of the Republic of Kazakhstan on cooperation in the fight against illegal migration	Tashkent	April 15, 2019	May 22, 2022
35	Republic of Turkey	Agreement between the Republic of Uzbekistan and the Republic of Turkey on extradition	Tashkent	April 30, 2018	July 3, 2018

36	Islamic Republic of Afghanistan	Agreement between the Republic of Uzbekistan and the Republic of Turkey on mutual legal assistance and legal relations in civil, family and criminal matters	Tashkent	December 5, 2017	August 7, 2019
37	Islamic Republic of Afghanistan	Agreement between the Republic of Uzbekistan and the Islamic Republic of Afghanistan on extradition	Tashkent	October 17, 2016	August 7, 2019
38	United Arab Emirates	Agreement between the Republic of Uzbekistan and the United Arab Emirates on the transfer of convicts	Abu Dhabi	November 14, 2014	December 21, 2015
39	United Arab Emirates	Agreement between the Republic of Uzbekistan and United Arab Emirates on extradition	Abu Dhabi	November 11, 2014	May 25, 2015
40	Republic of Korea	Agreement between the Republic of Uzbekistan and Republic of Korea on extradition	Seoul	April 25, 2003	November 23, 2004

41	United Arab Emirates	Agreement between the government of the Republic of Uzbekistan and the Government of the United States of America regarding the transfer of persons to the international criminal court	Washington	September 18, 2002	February 11, 2003
42	Islamic Republic of Iran	Agreement between the Republic of Uzbekistan and Islamic Republic of Iran on extradition	Iran	June 11, 2000	July 18, 2003
43	Republic of India	Agreement between the Republic of Uzbekistan and Republic of India on extradition	Delhi	May 2, 2000	May 22, 2002
44	United Arab Emirates	Agreement between the Republic of Uzbekistan and the United Arab Emirates on cooperation in the fight against organized crime, terrorism and other dangerous types of crime	Abu Dhabi	March 17, 2008	September 16, 2008
45	United Arab Emirates	Agreement between the Republic of Uzbekistan and the United Arab Emirates on mutual legal assistance in criminal matters	Abu Dhabi	November 11, 2004	May 15, 2015
46	Islamic Republic of Pakistan	Agreement between the Republic of Uzbekistan and Islamic Republic of Pakistan on mutual legal assistance in criminal matters	Tashkent	March 14, 2007	December 1, 2007

LIST OF VALID INTERNATIONAL TREATIES ON AVOIDANCE OF DOUBLE TAXATION SIGNED BY THE REPUBLIC OF UZBEKISTAN

№	Country	Name of the document	Date of signature	Date of entry into force
1	Republic of Austria	Convention between the Republic of Uzbekistan and the Republic of Austria for the avoidance of double taxation and the prevention of tax evasion on income and property	14.06.2000	01.08.2001
2	Republic of Azerbaijan	Agreement between the Government of the Republic of Uzbekistan and the Government of the Republic of Azerbaijan on the avoidance of double taxation of income and the prevention of tax evasion on income (profit) and property	27.05.1996	02.11.1996
3	Kingdom of Bahrain	Agreement between the Government of the Republic of Uzbekistan and the Government of the Kingdom of Bahrain on the avoidance of double taxation of income and the prevention of tax evasion on income and capital	05.06.2009	14.10.2010
4	Republic of Belarus	Agreement between the Government of the Republic of Uzbekistan and the Government of the Republic of Belarus on the avoidance of double taxation and the prevention of tax evasion with respect to taxes on income and property	22.12.1994	11.01.1997

The United Nations System

UN PRINCIPAL ORGANS

GENERAL ASSEMBLY

Subsidiary Organs
- Disarmament Commission
- Human Rights Council
- International Law Commission
- Joint Inspection Unit (JIU)
- Main Committees
- Standing committees and ad hoc bodies

Funds and Programmes[1]
UNDP United Nations Development Programme
- **UNCDF** United Nations Capital Development Fund
- **UNV** United Nations Volunteers

UNEP[2] United Nations Environment Programme
UNFPA United Nations Population Fund
UN-HABITAT[3] United Nations Human Settlements Programme
UNICEF United Nations Children's Fund
WFP World Food Programme (UN/FAO)

Research and Training
UNIDIR United Nations Institute for Disarmament Research
UNITAR United Nations Institute for Training and Research
UNSSC United Nations System Staff College
UNU United Nations University

Other Entities
ITC International Trade Centre (UN/WTO)
UNCTAD[1,4] United Nations Conference on Trade and Development
UNHCR[3] Office of the United Nations High Commissioner for Refugees
UNOPS[1] United Nations Office for Project Services
UNRWA[1] United Nations Relief and Works Agency for Palestine Refugees in the Near East
UN-WOMEN[1] United Nations Entity for Gender Equality and the Empowerment of Women

Related Organizations
CTBTO Preparatory Commission Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization
IAEA[1,3] International Atomic Energy Agency
ICC International Criminal Court
IOM[1] International Organization for Migration
ISA International Seabed Authority
ITLOS International Tribunal for the Law of the Sea
OPCW[3] Organization for the Prohibition of Chemical Weapons
WTO[1,4] World Trade Organization

Peacebuilding Commission

HLPF
High-level Political Forum on Sustainable Development

SECURITY COUNCIL

Subsidiary Organs
- Counter-Terrorism Committee
- International Residual Mechanism for Criminal Tribunals
- Military Staff Committee
- Peacekeeping operations and political missions
- Sanctions committees (ad hoc)
- Standing committees and ad hoc bodies

ECONOMIC AND SOCIAL COUNCIL

Functional Commissions
- Crime Prevention and Criminal Justice
- Narcotic Drugs
- Population and Development
- Science and Technology for Development
- Social Development
- Statistics
- Status of Women
- United Nations Forum on Forests

Regional Commissions[8]
ECA Economic Commission for Africa
ECE Economic Commission for Europe
ECLAC Economic Commission for Latin America and the Caribbean
ESCAP Economic and Social Commission for Asia and the Pacific
ESCWA Economic and Social Commission for Western Asia

Other Bodies[10]
- Committee for Development Policy
- Committee of Experts on Public Administration
- Committee on Non-Governmental Organizations
- Permanent Forum on Indigenous Issues

UNAIDS Joint United Nations Programme on HIV/AIDS
UNGEGN United Nations Group of Experts on Geographical Names
UNGGIM Committee of Experts on Global Geospatial Information Management

Research and Training
UNICRI United Nations Interregional Crime and Justice Research Institute
UNRISD United Nations Research Institute for Social Development

Specialized Agencies[1,5]
FAO Food and Agriculture Organization of the United Nations
ICAO International Civil Aviation Organization
IFAD International Fund for Agricultural Development
ILO International Labour Organization
IMF International Monetary Fund
IMO International Maritime Organization
ITU International Telecommunication Union
UNESCO United Nations Educational, Scientific and Cultural Organization
UNIDO United Nations Industrial Development Organization
UNWTO World Tourism Organization
UPU Universal Postal Union
WHO World Health Organization
WIPO World Intellectual Property Organization
WMO World Meteorological Organization
WORLD BANK GROUP[7]
- **IBRD** International Bank for Reconstruction and Development
- **IDA** International Development Association
- **IFC** International Finance Corporation

SECRETARIAT

Departments and Offices[9]
EOSG Executive Office of the Secretary-General
DCO Development Coordination Office
DESA Department of Economic and Social Affairs
DGACM Department for General Assembly and Conference Management
DGC Department of Global Communications
DMSPC Department of Management Strategy, Policy and Compliance
DOS Department of Operational Support
DPO Department of Peace Operations
DPPA Department of Political and Peacebuilding Affairs
DSS Department of Safety and Security
OCHA Office for the Coordination of Humanitarian Affairs
OCT Office of Counter-Terrorism
ODA Office for Disarmament Affairs
OHCHR Office of the United Nations High Commissioner for Human Rights
OIOS Office of Internal Oversight Services
OLA Office of Legal Affairs
OOSA Office for Outer Space Affairs
OSAA Office of the Special Adviser on Africa
SRSG/CAAC Office of the Special Representative of the Secretary-General for Children and Armed Conflict
SRSG/SVC Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict
SRSG/VAC Office of the Special Representative of the Secretary-General on Violence Against Children
UNDRR United Nations Office for Disaster Risk Reduction
UNODC[1] United Nations Office on Drugs and Crime
UNOG United Nations Office at Geneva
UN-OHRLLS Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States
UNON United Nations Office at Nairobi
UNOP[2] United Nations Office for Partnerships
UNOV United Nations Office at Vienna

INTERNATIONAL COURT OF JUSTICE

TRUSTEESHIP COUNCIL[6]

Notes:
1 Members of the United Nations System Chief Executives Board for Coordination (CEB).
2 UN Office for Partnerships (UNOP) is the UN's focal point vis-a-vis the United Nations Foundation, Inc.
3 IAEA and OPCW report to the Security Council and the General Assembly (GA).
4 WTO has no reporting obligation to the GA, but contributes on an ad hoc basis to GA and Economic and Social Council (ECOSOC) work on, inter alia, finance and development issues.
5 Specialized agencies are autonomous organizations whose work is coordinated through ECOSOC (intergovernmental level) and CEB (inter-secretariat level).
6 The Trusteeship Council suspended operation on 1 November 1994, as on 1 October 1994 Palau, the last United Nations Trust Territory, became independent.
7 International Centre for Settlement of Investment Disputes (ICSID) and Multilateral Investment Guarantee Agency (MIGA) are not specialized agencies in accordance with Articles 57 and 63 of the Charter, but are part of the World Bank Group.
8 The secretariats of these organs are part of the UN Secretariat.
9 The Secretariat also includes the following offices: The Ethics Office, United Nations Ombudsman and Mediation Services, and the Office of Administration of Justice.
10 For a complete list of ECOSOC Subsidiary Bodies see un.org/ecosoc.

This Chart is a reflection of the functional organization of the United Nations System and for informational purposes only. It does not include all offices or entities of the United Nations System.

Published by the United Nations Department of Global Communications. 19-00073 — July 2021

ООН – UN – United Nations.
WIPO – World Intellectual Property Organization.
UNDP – United Nations Development Programme.
ICTR – International Criminal Tribunal for Rwanda.
PCIJ – Permanent Chamber of International Justice.
ICJ – International Court of Justice.
IMT – International Military Tribunal.
ILO – International Labor Organization.
ECOSOC – The Economic and Social Council
UNESCO – The United Nations Educational, Scientific and Cultural Organization.
PCA – Permanent Court of Arbitration.
SIAC – Singapore International Arbitration Centre.
ICC – International Chamber of Commerce.
ICSID – International Centre for Settlement of Investment Disputes.
LCIA – The London Court of International Arbitration
HCIAC – The Hong Kong International Arbitration Centre
UNICEF – United Nations International Children's Emergency Fund.
UNEP – United Nations Environment Programme.
WHO – World Health Organization.
FAO – Food and Agriculture Organization.

Basic concepts (glossary)

Veto – the right to stop or prevent the entry into force of a law or decision of any body, organization. The head of state has the right of veto on the laws adopted by the legislative parliament, the supreme assembly. Absolute Veto – the right of the head of state to categorically reject the law adopted by the parliament; relative Veto — a refusal by the head of state that only stops the law from entering into force; in this case, the parliament is given the right to adopt this law with a 2nd vote; General Veto — possibility to reject

the entire document as a whole; partial Veto – rejection of only some parts or articles of any document. Sometimes the upper house of the parliament also uses the veto power to block the decision of the lower house. In international law: according to Article 27 of the UN Charter, the permanent members of the UN Security Council have the right of veto. Matters discussed in the Security Council require the consensus of the members of the Council. If any of them does not agree to the adoption of the decision under discussion, the decision is considered rejected.

Doctrine (lat. doctrina – "teaching, instruction") – codification of beliefs or a body of teachings or instructions, taught principles or positions, as the essence of teachings in a given branch of knowledge or in a belief system.

Denunciation (French denouncer - announcement, termination) – the most common way in international law to terminate a bilateral international treaty or withdraw from a multilateral international treaty.

Declaration (Latin declaration - announcement, recognition) is not binding, it is a recommendation. It recognizes basic human rights principles and program rules. For example:

1) a program document of one or more governments, political parties, international or public organizations, an important international event, law, etc. k. public notice of; solemn announcement of universal political principles (for example, the Universal Declaration of Human Rights, the Declaration of Independence of the Republic of Uzbekistan);

2) taxpayer's statement on the nature and amount of income;

3) a document attached to money and valuable packages sent by post outside the country;

4) the person crossing the border has items, valuables, etc. information to be submitted to customs about their presence and amount (see Customs declaration).

Implementation of international law (Eng. implementation "accomplishment, fulfilment, realization") – the actual implementation of international obligations at the domestic level, as

well as a specific way of including international legal norms in the national legal system.

Integration – (lat. integratio — recovery, filling, from the word "integer" — whole)

1) a concept that expresses the state of interdependence of some parts and functions of a system or organism and the process leading to such a state;

2) convergence of sciences and the process of interaction; accompanied by differentiation;

3) mutual coordination and unification of the economy of 2 or more countries (see Economic integration).

Imperative – (lat. imperativus - commanding) – demand, order, law. The German philosopher Kant introduced Imperative to the concept of ethics in Critique of Practical Reason (1788). According to him, as opposed to a personal principle (maxima), the Imperative is a formal moral requirement that is binding on everyone. Imperative is divided into conditional and strict Imperative. Conditional (approximate) Imperative applies only under certain conditions, strictly I. — expresses inevitability (necessity). It specifies the form and rule to be followed in the conduct.

Impeachment (eng. impeachment – lack of trust) is a process of impeachment and dismissal of public officials for their misconduct in the performance of their official duties.

Convention (lat. conventio - contract, agreement) – a kind of international treaties. For example, this is an international agreement on a specific issue, which is usually binding on countries that accede (sign, ratify) to it.

Note – an official diplomatic address of the government of one country to the government of another country.

Ombudsman – (Swedish ombudsman - a representative of someone's interests) is a human rights official who is specially elected (appointed) to monitor compliance with human rights by various administrative bodies, and in some countries, as well as by private individuals and associations. The ombudsman supervises and, unlike the prosecutor's office, conducts an investigation not

only from the point of view of legality, but also from the point of view of efficiency, expediency, fairness. Officials of this type are called by different names: in Scandinavian countries - Ombusman; in Spain and Colombia - public defender; In France - a mediator, in Romania - a public advocate, etc. k. An ombudsman can be elected or appointed in a number of ways. In Spain he is elected by the parliament, in Namibia he is appointed by the president, in France he is appointed by the decree of the Council of Ministers. The legal basis of the activity of the Ombudsman in the Republic of Uzbekistan is defined in the newly amended Law of the Republic of Uzbekistan «On the Human Rights Representative of the Supreme Majlis (ombudsman)» (August 27, 2004). According to this law, the representative of the Oliy Majlis on human rights (ombudsman) is an official who is responsible for the observance of the current legal documents on human rights by state bodies, self-government bodies of citizens, enterprises, institutions, organizations, public associations and officials in the Republic of Uzbekistan. empowered to ensure parliamentary control over its effectiveness. The representative exercises his powers independently and is not subject to state bodies and officials and is accountable to the Oliy Majlis of the Republic of Uzbekistan.

Pact (lat. pactum - contract, agreement) – one of the names of various kinds of international treaties of great political importance, limited in time by agreement of the parties, concluding one or another pact, as a rule, orally.

Ratification (lat. ratificatio, from lat. ratus - decided, approved and facere - to do) – an international act whereby a state indicates its consent to be bound to a treaty if the parties intended to show their consent by such an act:

1) approval of the international agreement by the highest body of state power. Usually, only the most important international agreements are ratified. The constitutions of most countries include the right to ratify international agreements in the authority of the head of state or directly in the authority of the supreme legislative body; In accordance with the Constitution of the Republic of

Uzbekistan, the ratification of the international agreement is carried out by the chambers of the Oliy Majlis of the Republic of Uzbekistan through the adoption of the law on the ratification of the international agreement;

2) a special procedure for approval of constitutional amendments in some countries. For example, in Australia, after a draft of constitutional amendments is approved by parliament, it is required to be approved by a referendum in the country and in most states.

Extradition – an action wherein one jurisdiction delivers a person accused or convicted of committing a crime in another jurisdiction, over to the other's law enforcement. It is a cooperative law enforcement procedure between the two jurisdictions and depends on the arrangements made between them.

EMBARGO (Spanish - to prohibit) – prohibition by the state to bring certain goods, services, currency or other assets to the country or to take them to other countries, to put them abroad; complete prohibition of trade relations with certain countries or groups of countries; It is a tool of economic or political, financial, scientific pressure, introduced by the government. According to the decision of the UN, blocking trade relations of certain countries with other countries as a punishment for violating the UN Charter or other misdeeds is also considered an embargo[127].

International treaty of the Republic of Uzbekistan — an international agreement concluded in writing by the Republic of Uzbekistan with a foreign state, international organization or other subject having the right to conclude international treaties, which is regulated by international law, regardless of whether it is contained in one document, in two or more related documents among themselves, as well as regardless of its specific name and method of conclusion (contract, agreement, convention, act, pact, protocol, exchange of letters or notes and other names and methods of concluding an international agreement)[128].

127. https://qomus.info/encyclopedia/cat-e/embargo-uz/

128. Law of the Republic of Uzbekistan "On International Agreements of the Republic of Uzbekistan" No. ORQ-518. Article 4 (Basic Concepts). February 6, 2019

REFERENCES:

Guiding references:

1. Decree of the President of the Republic of Uzbekistan "On approval of the national strategy of the Republic of Uzbekistan on human rights" (PF-6012 No. 22.06.2020)
2. Shavkat Mirziyoev. Development strategy of New Uzbekistan. - Tashkent: 2021. 464 pages.
3. President of the Republic of Uzbekistan Sh.M. Mirziyoyev in his speech at the 46th session of the UN Human Rights Council (February 22, 2021).
4. Decree No. PF-60 of the President of the Republic of Uzbekistan "On the development strategy of New Uzbekistan for 2022-2026". January 28, 2022.

International documents

1. The Hague Convention on the Settlement of Disputes in the Pacific Ocean, 1899.
2. Berne Convention on the Protection of Literary and Artistic Works, 1886.
3. The Hague Convention on the Settlement of International Disputes in the Pacific Ocean, 1907.
4. Convention 29 "On Forced Labor", 1930.
5. Convention 87 "On Freedom of Association and Protection of the Right to Organize", 1948.
6. Convention 98 "On the right to collective bargaining and association", 1949.
7. Convention on the Status of Refugees. 1951 year.
8. Convention 100 on "Equal pay", 1951.
9. Convention "On the Protection of Cultural Property in the Event of Armed Conflict", 1954.
10. The Hague Convention on Civil Procedure Matters, 1954.
11. "Universal Convention on Copyright", 1955
12. Convention 105 on the Abolition of Forced Labour, 1957.
13. Convention 111 "On discrimination in the field of work and types of work", 1958.

14. Convention “On Combating Discrimination in Education”, 1960.
15. International Convention on the Elimination of All Forms of Racial Discrimination. December 1965.
16. Convention “On the Procedure for Settlement of Investment Disputes between States and Foreign Persons”, March 1965, Washington.
17. Optional Protocol to the International Covenant on Civil and Political Rights. Article 8. December 16, 1966, New York.
18. Declaration “On Territorial Asylum” 1967.
19. The Vienna Convention on the Law of International Treaties of 1969.
20. Convention on the establishment of the World Intellectual Property Organization, 1970.
21. Convention on the establishment of the World Intellectual Property Organization, 1970.
22. The Geneva Convention on the Protection of the Rights of Performers, Producers of Phonograms and Broadcasting Organizations, 1971.
23. Convention “On the Protection of Universal Cultural and Natural Heritage”, 1972.
24. Convention 138 on “Minimum Age for Employment”, 1973.
25. Brussels Convention on the Broadcasting of Program-Carrying Signals by Earth-satellite, 1974 year.
26. Recommendation “On education in the spirit of international solidarity, cooperation and peace and in the spirit of protection of human rights and fundamental freedoms.”, 1974.
27. Resolution 3314 (XXIX) of the General Assembly on December 14, 1974.
28. Madrid Convention on “Prevention of Double Taxation”, 1979.
29. Declaration “On Race and Racial Heresies”, 1982.
30. Peaceful Settlement of International Disputes Act, 1985.
31. Vienna Convention on the Law of Treaties between States and International Organizations. 1986.

32. Convention “On the Protection of the Rights of All Migrant Workers and Members of Their Families”, December 1990.
33. Minsk Convention “On legal assistance and legal relations in civil, family and criminal matters”, January 1993.
34. Declaration of Principles of Tolerance, 1995.
35. “Treaty on Performers and Phonograms” of the World Intellectual Property Organization, 1996.
36. Copyright Agreement of the World Intellectual Property Organization, 1996.
37. Universal Declaration on the Human Genome and Human Rights, 1997.
38. Convention 182 “On the worst forms of child labor”, 1999.
39. Chisinau Convention “On Legal Assistance and Legal Relations in Civil, Family and Criminal Matters”, October 7, 2002.
40. Резолюция Генеральной Ассамблеи «Совет по правам человека» № 60/251 от 15 марта 2006 г. // Док. ООН. A/60/251.
41. Statute of the UN International Court of Justice. Article 38. https://www.un.org/ru/icj/statut.shtml.
42. UN Charter - https://www.un.org/ru/about-us/un-charter/full-text

Regulatory documents and publications of methodological importance:

1. December 22, 1995, Article 3 of the Law No. 172-I of the Republic of Uzbekistan “On international treaties in the Republic of Uzbekistan” // lex.uz
2. Article 1 of the Civil Procedure Code of the Republic of Uzbekistan. Part three // National database of legislative information of the Republic of Uzbekistan. https://lex.uz.
3. Article 4 of the Code of Criminal Procedure of the Republic of Uzbekistan // National database of legislative information of the Republic of Uzbekistan. https://lex.uz.
4. Article 1 of the Economic Procedure Code of the Republic of Uzbekistan. Part three // National database of legislative information of the Republic of Uzbekistan. https://lex.uz.

5. Article 9 of the Code of Administrative Responsibility of the Republic of Uzbekistan. Part two // National database of legislative information of the Republic of Uzbekistan. https://lex.uz.

Additional references:

1. И.И.Лукашук, А.Х.Саидов. Ҳозирги замон халқаро ҳуқуқи назарияси асослари: Дарслик. – Тошкент: “Адолат”, 2006.

2. Саидов А. Инсон ҳуқуқлари бўйича халқаро ҳуқуқ. Дарслик. -Т.: Konsauditinform-Nashr, 2006.

3. Инсон ҳуқуқлари умумжаҳон декларацияси ва Ўзбекистонда инсон ҳуқуқларини ҳимоя қилиш миллий тизими. /Муаллифлар жамоаси: А.Саидов, Ф.Бакаева, К.Арсланова ва бошқ. Масъул муҳаррир А.Х.Саидов. –Т.: “O’zbekiston”, 2010.

4. Мўминов А.Р., Тиллабоев М.А. Инсон ҳуқуқлари: дарслик. – Т.: Адолат, 2013.

5. Юлдашева Г., Борсиева З., Гафурова Н. Права человека. Учебник. ТГЮУ. 2014

6. В.Т. Батычко. Международное право/Конспект лекций. Таганрог: ТТИ ЮФУ, 2011. // Лекция 14. Право международной безопасности//14.5. Международно-правовые средства разрешения международных споров.

7. Малкольм Шоу – Международное право. Учебник./ Cambridge University Press. 2017 г.

8. Халқаро меҳнат ташкилотининг асосий конвенциялари ва тавсиялари. /Масъул муҳаррир А.Саидов. –Т.: Инсон ҳуқуқлари бўйича Ўзбекистон Республикаси Миллий маркази, 2008.

9. Мартенс Ф. Ф. Современное международное право цивилизованных народов. М., 1996. Т. 1.

10. Права человека. /Учебник. Отв. ред. Е.А.Лукашева. - М.: Норма-Инфра, 1999.

11. Хакимов Р. Узбекистан и Организации Объединенных Наций. -3-е изд., доп. –Т.: Zar Qalam, 2006.

12. Махаматов М. Бирлашган Миллатлар Ташкилотининг ихтисослаштирилган муассасаси сифатида Халқаро меҳнат ташкилоти/ “Ўзбекистон ва БМТ: тажриба ва ҳамкорлик истиқ-

боллари” мавзусидаги конференция материаллари. –Т.: ТДЮИ, 2007.

13. Тошев Б.Халқаро ташкилотларнинг муаллифлик ҳуқуқига оид актларининг ҳуқуқий мақоми. –Т. “Voris-Nashriyot”, 2007.

14. Annuaire de Institute de Droit International.

15. Доклад Генерального секретаря «При большой свободе: к развитию, безопасности и правам человека» // Док. ООН. A/59/2005 от 21 марта 2005 года.

16. Жалобы на нарушения прав человека. Договорные органы. https://www.ohchr.org/ru/treaty-bodies/human-rights-bodies-complaints-procedures

17. R. Y. Jennings, ‘Presentation’, in Increasing the Effectiveness of the International Court of Justice (ed. C. Peck and R. S. Lee), The Hague, 1997

18. Max Planck Encyclopedias of International Law - https://opil.ouplaw.com/ view/10.1093/law:epil/9780199231690/ law-9780199231690-e35.

19. Gary Born – International Commercial Arbitration

20. Paul D. Friedland – “Arbitration Clauses for International Contracts - 2nd Edition”.

21. Daniel Moeckli et al. International Human Rights Law. Oxford Univ. Press 2018.

22. International human rights system. Asian Pacific Forum of NHRI, 2012. https://nhri.ohchr.org/EN/IHRS/Documents/International% 20HR%20System%20 Manual.pdf

Electronic learning resources

1. https://bigenc.ru/ethnology/text/2639008

2. https://www.icj-cij.org/en/case/5/summaries

3. Salini v Marocco- https://www.italaw.com/sites/default/files/case-documents/ita0738.pdf

4. https://www.italaw.com/sites/default/files/case-documents/ita0716.pdf

5. https://www.ohchr.org/ru/about-us/what-we-do

6. https://www.justice.gov/jmd/ls/international-courts#international

7. https://www.icj-cij.org/en/history
8. https://www.un.org/en/about-us/history-of-the-un/predecessor
9. https://www.icj-cij.org/public/files/the-court-at-a-glance/the-court-at-a-glance-ru.pdf - 2021г.
10. https://www.loc.gov/rr/frd/Military_Law/Nuremberg_trials.html
11. https://encyclopedia.ushmm.org/content/en/article/international-military-tribunal-at-nuremberg
12. https://www.echr.coe.int/Documents/Court_in_brief_ENG.pdf
13. http://sudsng.org/
14. https://web.archive.org/web/20100602011039/http://www.pca-cpa.org/ showpage.asp?pag_id=1302
15. http://www.memo.ru/prawo/hum/zhen1925.htm
16. https://iccwbo.org/dispute-resolution-services/icc-international-court-arbitration
17.https://www.investopedia.com/terms/i/international-chamber-of-commerce -icc.asp
18. https://iccwbo.org/content/uploads/sites/3/2021/03/icc-2021-arbitration-rules-2014-mediation-rules-russian-version.pdf
19. www.ohchr.org – сайт Верховного Комиссара ООН по правам человека, содержит информацию о ключевых договорах по правам человека, механизмах контроля, доклады государств, заключительные замечания по итогам рассмотрения докладов и др.
20. https://www.hkiac.org/
21. https://sccinstitute.com/ru
22. https://www.lcia.org/
23. https://icsid.worldbank.org/

Z.A.AMIROV

HISTORY OF FORMATION OF INTERNATIONAL COURTS AND APPLICATION OF INTERNATIONAL LAW NORMS IN NATIONAL COURTS

Study guide

Editor: Talipova M.
Technical editor: Tursunova I
Corrector: Ibragimova G
layout designer: Sh. Alibekov

Permitted to publish: 24.11.2022 y. Format: 60x84 1/16
Offset paper. Digital printing. Times set. Conditional print listing 10,8. Print account listing 2,4.
The number is 100 copies. Order: № 24/04-2.

Published at «RELIABLE PRINT» LLC.
Tashkent, Chorsu square, 3-A.