

Criminalization of nuclear weapons within the framework of international law

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Abstract: Today, issues of international law, including the criminalization of the use of nuclear weapons may be examined from the perspective of two different paradigms of international law. The classical paradigm is based on the Westphalian order and the rule of international law and in the context of the findings of the advisory opinion of the International Court of Justice in 1996, the first to use nuclear weapons not prohibited and are not considered an international crime. But we are witnessing the gradual emergence of claims and new paradigm in the field of international law. Paradigm where human values and sovereignty of states can not hold a special place in the formation of a definitive special rule for the benefit of humanity. Although some issues within the framework of this paradigm may lead to results unacceptable from the perspective of the first paradigm, however, it is a fact that ultimately the international community, the government should admit it sooner or later. In this paradigm emerging and established outstanding use of nuclear weapons would violate international law norms and disruptive of public order and Vajdnas three constituent international crimes. The use of nuclear weapons from the perspective of the emerging paradigm, unlike the classic paradigm of international law, can Qlmdadshvd an international crime; This is entitled criminalization of nuclear weapons within the framework of international law have been collected in five seasons. In the first chapter outlines the research and legal analysis chapter two and three, respectively, to the nuclear Non-Proliferation Treaty and the effects of nuclear weapons reduction and limitation of nuclear weapons Vmahdat bilateral and in the fourth quarter to account for Iran's nuclear challenge and finally in the fifth season's conclusion about the title.

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Introduction

Intensity nuclear weapons as the latest human technological innovation in the field of weapons, Abzarnzamy made the most devastating human effects of its application is not even comparable to other weapons of mass destruction. The effects of uncontrolled and extremely fearsome weapons International Court of Justice in the advisory opinion (1966 regarding the ban on the use of nuclear weapons), to conclude that the effects of nuclear weapons in space and time unconsidered and Application They can be human life, human civilization and the entire ecosystem) ecosystem (to destroy. Historical experience also indicate this fact. very high casualties resulting from the use of nuclear weapons in Hiroshima and Nagasaki and the birth of deformed larvae During these sixty years is indicative of the disaster.

Given that the sixty-some years on the one hand nuclear weapons developed in terms of quality and quantity and also the lack of effective control and defense is one of their inherent characteristics.

Expected to gradually reveal more and more dangerous face the dangers of these weapons and their possible use, the international community regarding the use of these weapons assertive approach and apply

it to the crime, but the House today, because of some This has not been achieved considerations.

Why is the international community's approach to the use of nuclear weapons (NWFZ) verified the ban, but quite small and limited and of regional and bilateral agreements between countries in cases and holder (NPT), like the NPT the threat of nuclear weapons and arms control, the issue has not used even in some other cases, such as the Comprehensive Nuclear Test Ban Treaty, the treaty is not binding in principle. Thus, although all of these procedures can be combined in the future in forming a common rule of (Opinio Juris).

Bavrhqvqy binding international ban on nuclear use and effective and contribute, but to date the ban as an indicator of criminalization of the use of nuclear weapons in the relations between states has been formed. But in order to modify the state-centered approach based on international human rights law, must be distinguished in the international legal order. Classic international legal order, which is just around the state are formed and new legal order that revolves around the rights and interests of humanity takes shape. This suggests a certain transitional period towards the development of new international legal order. In this context, people are now waiting for a new world order based on international public order

with an example of the need to create effective institutions for justice is criminal. In other words, a new world order based on rules of international law. Thus, in considering all international issues (including the use of nuclear weapons) can be of two different paradigms to study the issue. In the first paradigm, the only players in the international community, governments and the international community fully state-based and rule-based. But in the second paradigm government against human approaches to international law and the authority of the former is somewhat modified. The second paradigm based approach to international law Aalml new approach to gradual evolution in the development of international law is justified. Today, as a humanitarian intervention in practice and internationally accepted norms and human rights issues in the scope of the exclusive jurisdiction of the state does not know. In addition to the performance of the government entities such as international organizations, especially the UN Human Rights Council Mthddr Bstrayjad, numerous resolutions of the General Assembly and the Security Council quiet International Court of Justice, and the argument is corroborated this account.

Problem Statement Research

Create a society based on shared values, promising humans because the human rights inherent and lasting peace is always in need of justice.

Development of international crimes and crimes committed in the armed conflict and the spread of organized crime to commit mass murder Tshylat etc. has caused the international community more security as well as security and the priority is to establish and maintain.

Since the beginning of the nuclear age there has always been fear that the government increase its nuclear capability in the use of these weapons is tempted to motivate and hence the prevention of spreading the use of nuclear weapons on the one hand and the other hand for peaceful purposes has become central to the discussion, while the international community since the beginning of nuclear weapons and after the first explosion (Hiroshima and Nagasaki) was called for a ban on the development and production of nuclear weapons. Why the government believe that the use of Nuclear weapons are incompatible with human rights law.

Due to the massive destruction of producing nuclear weapons. Some believe that the use of nuclear weapons and power Slayers due to the terrible consequences that led to its widespread use by governments of the crimes of mass destruction.

Research purposes

In fact, today the sovereignty and state power by principles such as democracy, human rights challenge in this regard, concepts such as war crimes, genocide

and interests of poor and backward country, all obstacles to sovereignty. More attention to human values and the sovereignty of states should prevent the formation of legal rules in this release because of social order and security is a prerequisite for any society.

Compliance and violation of international norms leads to instability and collapse disorder, which will be essential for the survival of the international community. But the most important thing is for the international public order in the wake of international public order, the protection of the values.

The fundamental changes in the structure and principles of the international community place that has clear effects on international public order, including the use of nuclear weapons is in the peaceful use of murder and crimes in the international. The research on the further use of nuclear weapons and incompatible with humanitarian law and use it to legitimize its exceptions.

In addition to published research and documentation of databases and Internet sites.

Research questions

The main research question (the study)

1: The production and maintenance of norms of international law and prohibit the use of nuclear weapons is a crime?

Sub-question survey:

1: Take advantage of nuclear Tshylat in armed conflict as a last resort in self- defense How is this possible?

2: According to what principles can be Tshylat phenomena such as nuclear, crimes against humanity- a world of peace and security and fight be?

3: On the basis of norms of international law can be, despite several major international events and developments, including events Hyrvshymav Nagasaki absolute prohibition of nuclear weapons considered from the perspective of human rights?

Research structure

Definition of nuclear weapons and international oversight mechanism within the framework of the general discussion on the topics and sub-topics of the speech division, and in the third and fourth, respectively, of the international community to ban nuclear weapons and Iran core challenge addressed in this process has been divided Finally, the fifth chapter is dedicated to the discussion and conclusions.

Definitions of important words and idioms

Concept of the new paradigm of international law is. This means that due to the evolution of human societies develop and evolve these rights. One of the turning points of history as a result of international law change process has been growing, October 24, 1648, the signing of peace treaties. With the signing of the treaties, international law and the international

community to concepts from modern means of sovereign independent states formed.

Since the concept of sovereignty for the first time this proposed treaty is also called Westphalian sovereignty. A prominent feature of the international law of treaties of Westphalia is born with the concept of absolute sovereignty of states linked.

With this interpretation of the international community, which has sovereignty Azvahdhay social Westphalian Westphalian international law Sarkhasy. This approach also has the combination. In this approach, there is no power beyond the state and the rules of the international law principle is valid that a large part of the state, especially in the areas of the big states, which is consent.

Also in this Rvykrdkshvrha should be considered independent as possible and according to the requirements of state-based international peace and security, the lowest limitation on their freedom to be entered. This Rvykrdbh international law for over two centuries has been a source of stability in the international community and by creating legal guarantees against foreign intervention, international organizations and the development of international law, international order to foster peace and security in the entire source is.

But after the Westphalian treaties, international law is gradually evolving, because the international community and international relations has changed. The demands of the international community today are not the ones that seventeenth-century European society is faced with. One of the most important developments in the status and role of the state in the international legal system. Because international law has accepted other actors besides governments.

In fact, today the sovereignty and state power by principles such as democracy, human rights, self-determination and to be challenged. In this regard, concepts such as war crimes, the environment, weapons of mass destruction and poor and backward countries, all obstacles in the way of doctrine Sovereign governments create.

Thus, although both governments have an essential role in the system of international law in this regard, there is no conclusive evidence that the system is crumbling, but it seems that the classical structure of international law can no longer responsive decentralized structure Bourne today because the new literature on the deviation Azbdyn rule means that in this regard. Westphalian sovereignty emphasized.

It is necessary because of the restructuring of the international community, international law and the sovereignty of states changed and adjusted.

In fact, expected the international community to coordinate with developments in various fields, classic and Westphalian concept of sovereignty has changed

and replacing it with the concept of modern sovereignty.

Namely.

Dynamic, re-Westphalian definition adopted. In order to be a bridge between moral and legal rules created to redefine the concept of the rule of Vmqyd conditional rule rather than the sovereignty of states. In this context the classic sense of rule by world order and regional structures and processes are changed, we will Bvd.vhakmyt reshaped legitimate, within the framework of law and morality, the protection and observance of human rights and democracy is linked to boundaries between countries in terms of human rights and moral values will be less important. In the context of the wider international community, the rules of warfare, weapons systems, war crimes, human rights and the environment and change the arrangements of the former government and will be moderated.

These conditions and all changes indicative of transition from classical paradigm to the new paradigm of international law. A process that Kofi Annan in his report to the General Assembly of the institutions after World War II to "the United Nations has expressed its eloquent language were made while we are in the world (National world) national universal life we. The era of globalization requires global employment has any (Globalword) any change in the interpretation of state sovereignty in the world with distrust, suspicion and hostile faces. But it is a development that should be welcomed eventually Bgvvym.hqvq International Criminal branch of international law in which human values are now beginning a special place, and even when the data governance is preferable. The legal branch of breath by the emerging paradigm of international law can be seen. In fact, international criminal law in the context of a new definition of state sovereignty and they will, promising transition from the classical paradigm to the new paradigm of international law is international law.

The use of nuclear weapons as an international crime

The problem of criminalization of the use of nuclear weapons requires a basic understanding of how international crime and the implementation of the components and elements required for the criminalization in the context of emerging paradigm of the international law, respectively, which dealt with be. It should also be noted in this regard the important Dvnkth 1) the new concept of governance, the rule of adjustment, not entirely eliminated. Because complete removal once the concept of state sovereignty and the principles and fundamental rules of international law may be some harm. 2) Since the basic concept of the rule of international law is a classic for understanding

the change in people's perception of it could endanger international law.

The process of international crime

Over the last step in the process of developing the legal requirement of criminal law regime, the crime means that the actions that disturb the social order and security, collective life is the most severe threat to the collective benefits associated by the legislatures of be a known for committing crimes and the most severe collective response thereto. Primarily in criminal law for the punishment of any act or omission which the law is set Bashdjr. The crime is punishable behavior.

So the mere fact that conduct is prohibited practice it should not be considered a crime. Should ban the practice behavior with criminal sanctions to be criminalized. In other words, the person is guilty of conduct that the legislature has set a punishment for committing a crime Hence rules has two important features.

1) That criminalizes behavior characteristics that would eventually be set.

2) Talk to punish this kind of behavior pose. These two features are also in the field of international criminal law and in defining the concept of international crimes and international criminal law determined that play a major role. As in international criminal law and determined that the definition of the concept of international crime, it should be an essential feature of international criminal law, the conduct prohibited and punishable offenses being considered. In the result of different definitions of the concept of international crimes, it is the worst and most heinous social behavior seriously prejudicial to the international community to Hd 咄 Y is due to damage to international public order and peace and human security, The international community towards it, and it has shown a strong reaction and severe due to gross violations of the fundamental values of the international community commitments, qualified as such (international crime) Johannesburg. According to this definition, the behavior (whether Azfl or omission) committed an international crime Qlmdadshvd fundamental values that violate the international community and violating the intensity effect on the structure of crime, "the international community as a whole" social General Systems International to international Hd 咄 Y that regard.

In the field of international criminal rights, like other areas of international law, State practice is an important factor in establishing rules. So ugly nature of an action, that action alone is not enough to be considered a crime, even though it would be an incentive to act constitute a crime. Basically determine what actions and behavior under the definition of international crimes or, in other words the process of

international crime in the light of the latest events in the field of ethics, law and criminal justice is done every working day.

The ever-changing circle of international crimes, and over time it had been many instances in the range. However, in 1996 the International Law Commission draft as crimes against peace and human security was included but few crimes Alnhayh leading specialist international criminal law, Sharif Bassiouni, to date, 25 international crimes has been recognized. Therefore, if the "act of solidarity with the international law" and agreements reached international legislation "practical solidarity between states and not the result of supra-state power, so that in principle cannot be contrary to the will of their countries to adopt legal rules be required. But with all these issues, international law, as the law governing the international community, has some of the actions that the international community has the necessary components for the crime is considered to be a recognized international crime.

The nature of the crimes and their definitions, indicate that there is no specific doctrine on the precise legal basis for the insertion of a certain action in international crimes. There are only a basis for the criminalization of practical and empirical. However, empirical approach to international crimes, to insert a function in the list of international crimes, the operation or the national element should include an international element. In other words, the behavior of the dam raised the level or should it be considered a crime against the international community would have to act in interests of more than one country or affect.

In general, by examining the doctrine can be concluded that the doctrine is no criteria for the classification of group.

Special acts as an international crime does not exist.

It is only a matter of determining whether a particular behavior because it is a crime against the international community or the interests of Mtd 咄 D affect the sources of international law, is regarded as an international crime or No?

The component elements of other crimes, a crime considered. In such a situation, the use of the material by committing other international crimes (such as war crimes, genocide, crimes against humanity) is. This type of crime is mainly focused on the effects of weapons to the nature of the weapons, both in war and in peace is achievable.

It should be noted that the use of nuclear weapons in the classic paradigm and the emerging paradigm of international law can be considered an independent international crime. There is no challenge in this regard, but the major issue is the criminalization place. On the other hand, the fact that

quite close link between weapons of war. So that no weapon of war is very difficult notions.

In fact, the use of arms is associated with the phenomenon of war. Thus, the rules of international law relating to the different kinds of weapons, regardless of the nature of their work, within the framework of regulation and explained the rules of the law of war. Therefore, in this study, only the issue of criminalization of direct use of nuclear weapons in the context of armed conflict will be discussed.

According to relevant content, the criminalization of the use of nuclear weapons would place nuclear weapons in compliance with the criteria established international crimes (violations of international norms and disturb the public order) and there are three elements necessary for the formation of international crimes International, (element material, spiritual and legal) in this field.

Using nuclear weapons in violation of international norms

The legal system of any society, guardian of the interests and values of the community and to regulate the actions of his subordinate, to prevent the collapse of the social foundations.

The most important function of the legal system of any society to support the principles and rules that are part of the fundamental values of society and social system is based. The principles inherent in any social community, and without any notions of organized society is impossible. Therefore, the international community, regardless of the existence of such principles of social rules.

The principles of social order, which is subject to international law cannot (and should not) have given offense since no society is called jus cogens. There cannot do without at least a basic principle that the superior values of its legal system to continue its existence, the international community indicates the existence of rules of jus cogens Dardayn values that support them eligible for the title are.

The criteria for identifying peremptory norms can be made based on the fact that they are the superior interests of the international community support, the violation of its benefits is not allowed. However, the only essential criterion is related to the concept of jus cogens only possible with dimensions of course this does not mean that every social rule loses, the social importance of a peremptory norm of international law is enacted. There are legal reasons MtdHdy.

That international crime arising from jus cogens norms and the relationship between the two of them on the same basis. Because on both fundamental and common interests of the international community. Because of this fundamental and necessary to their existence so that the common basis for the

international legal order and international environment, the international community has been emphasized.

But despite the fact that these two concepts to support values, common interests and values of "countries of the international community as a whole" (or in the case of the international community in general) is used, this definitely does not mean that circle, including both the concept of differentiation was not among them. Including a wider circle of peremptory norms of international crimes.

Despite the identification of the peremptory norms of general international law is difficult, but it is in the area of human rights, did not seem too difficult. The recognition of jus cogens in the field of human rights, with emphasis on the humanitarian principles of it, there is a large consensus. So that state practice, international judicial RvyH and doctrine, or at least some examples of IHL are known as peremptory norms of humanitarian law that might have a special course, there are a series of principles are of particular importance and authority. According to the International Court of Justice in the Nicaragua case, including the Geneva Conventions to respect the principles and express them.

These principles include: principles of humanitarian law and the Convention of 1907 Hague stated (in votes premise Strait of Corfu), the majority of the provisions of the Geneva Conventions, particularly Article 3 common (in votes premise Nicaragua), as well as protection of the civilian population Vamval They distinguish between combatants and non-combatants, ban unnecessary pain and suffering (in the Advisory Opinion of 1996).

Finally, what is certain is that the principles of humanitarian law in armed conflicts, in terms of scope, universal and mandatory for the priority and power, are among jus cogens. The list mainly international case law defines it in terms of scope are not careful.

It seems that although the field of human rights is a hard core of mandatory rules and principles that are considered a violation of international crime, but it is difficult to accurately determine the aspects and manifestations of the International Red Cross Krd.knfrans has repeatedly stated its position on nuclear weapons and has stated that nuclear weapons civilian life and eventually threaten the future of humanity. In the use of nuclear weapons, the use of these weapons conformity with the principles and rules of international humanitarian law very difficult to know.

Another view states that the use of nuclear weapons could never be compatible with the principles and rules of humanitarian law, and therefore the use of these weapons is prohibited. At the time of

use, of nuclear weapons * Run in all circumstances, to respect the distinction between military and civilian population, civilians and military targets but largely uncontrollable effects in a way that cannot be limited to legitimate military targets stay. Such weapons are necessarily non-discriminatory manner resulting in death and destruction and mass casualties goes up the International Court of Justice in the advisory opinion, 1996. It is because of features unique to nuclear weapons, their use rarely is able to meet the requirements of humanitarian law.

The argument in favor of confirming the finding of the Court that the destructive power of nuclear weapons cannot be fit in time and space and nuclear weapons potential or destruction of the entire civilization on the Earth's ecosystems are all well Mohammad Bjav) Chief Justice at the time issuance of the advisory opinion), nuclear weapons destabilize humanitarian law and they are, by nature, are branches of international law, humanitarian challenges. Bjav) judge adds that in Akhyrlm, nuclear weapons are able to observe the principle of distinction between victims of (military, civilian (not in addition to it, they resulted in the suffering of both groups are in vain. Unless Knowing the extent of progress that would affect only the military and not to harm civilians.

However, the final court decision is contrary to the conclusions of the analysis on the majority of the judges, it follows that currently all use of nuclear weapons violates the principles of humanitarian law. But perhaps in the context of technology development, nuclear weapons are built to meet the requirements of international humanitarian law, but had such progress has been made.

* Run the nuclear weapons of disturbing public order, international

Social order and security, is necessary for any society. The order by a set of legal rules, especially Qvadamrh guaranteed and funded, most restrictions on imports will function. The legal system of any society protect the interests and fundamental values of the community and to regulate the actions of his subordinate, to prevent collapse and social foundations of society.

The social order in connection with the fundamental norms and values of society, public order, also called the community.

Although Professor Charles Rousseau believes international law because there is no public order structure that is individualistic, but it seems this set of basic values called the public order in local communities and in the international community.

When non-compliance violation of international norms leads to instability and collapse disorder, which will be essential for the survival of the international community. With this interpretation, including the

principles and rules of international public order in force binding is of such importance to the "international community as a whole" has any legal act which has no legal effects as conflicting Baan Of course some regularity circle order confused and international crime has been committed?

It seems that the norms and values that seek to protect public order is separated into two types of values of the fixative) absolute (Vasbaty) variable) is. Mnzvrazarzsh of fixing, Bnyadynast values that are absolute and fixed in time and space. These values are so obvious that they do not need proof. Today, crimes such as crimes against humanity, war crimes and genocide is based on these values. In contrast to the absolute basic values, a set of values that are fundamental but not absolute, however. The values in certain circumstances could change. Because these values in the context of a series of specific conditions, economic, social, philosophical particular Vaydyvlvzhyky arise. Therefore, by changing these considerations and conditions, these values also change. In fact, this value depends on the approach of the international community towards them, and in the context of international developments, the possibility of changing the approach of the international community towards them.

Thus, we can say today, in the context of school development sociology, will place greater emphasis on the human person in the international analysis of international law, the particular form of social order tries insisted that the moral element in relations International import. This approach to public international law, international systems related to the day-to-day reinforcement, which is typical of the principles of humanity in the Martens clause, which is the core Conventions of genocide, torture, war is crime in every society on the other hand, The location and time-based.

Values and aspirations of that community, and through ethics and justice are formed.

Law governing the community with the needs and demands of society and should be in close interaction with changing values and new circumstances prevailing in society, time and coordinate different locations.

The relationship between international crimes and international public order can be said that a direct link exists between them. Because of the international nature of crimes that violate international public order.

As a result of the disruption of the international community reacts international public order. This response takes different two forms:

1) The nullity of any agreement contrary to the fundamental values.

2) Criminalize violations of the criminal responsibility of the perpetrators of these violations of fundamental values and design.

Thus, in this context, international law must be applied consistently to respect human rights. In fact, now dare say the international community revolves around the fundamental values of humanity and the protection of human beings is a form that is valuable for the international community. So one of the main factors involved in determining violations of international public order, public conscience of mankind. In fact, no institution better than human beings can determine their value violations. The best criterion in this regard is the conscience of humanity and expression of the fundamental values of human society is the conscience of the international community. Public conscience within the framework of international humanitarian law for the first Hague Peace Conference in 1899 was raised first and then the second and fourth 1949 Geneva Convention was reaffirmed. The concept of human conscience is rooted in the concept of natural justice. The idea of natural justice, rights must be based on shared values that are equal regardless of the idea arising from treaties and State practice for the inherent dignity of every human person is applicable. According to the judge Vrmantry, the Advisory Opinion of 1996, the use of nuclear weapons with the basic principles of human dignity and worth of all human rights is based, is inconsistent.

Any interpretation of the law that allows the destruction of humanity, the essence of the law is unconstitutional. Because the law itself is not an end in itself, but first and foremost it needs to be picked up by the refusal of the application, provide humanitarian benefits of nuclear.slah ultimate goal of humanity but to move toward a world free of follow-up This process means necessary to attain nuclear weapons. This is a world where human rights are respected and the rule of law. On the other hand, some aspects valued international public order is embodied in the Charter. In this regard the use of nuclear weapons against the spirit, purposes and principles of the United Nations.

To reiterate the UN General Assembly, the continued existence of nuclear weapons is a threat to all humanity and to use them will bring catastrophic results. Mtd档D treaties on nuclear weapons, are all indicative of the increasing concern of the international community about the possibility of nuclear war and the use of such weapons.

It also issued an advisory opinion from the International Space 1996 certainly has changed. Today, the international community involved in the fight against international terrorism and the new issues raised in the area of nuclear weapons. World different today than 13 years ago with this account can be

found at the time of issuance of the advisory opinion of the Court's 1996 advisory opinion would be viewed with suspicion and challenge them Kshyd.dr It can be concluded that the use of weapons a violation of humanitarian norms and in **violation of international public order is disturbed**

The use of nuclear weapons possessed elements of international crimes

But in the field of international criminal law, to violate international norms and disturbance of public order as a cause of crime is a behavior. To make international crime be considered, in addition to violating international norms and disruption of public order, requires elements that constitute international crimes, so that cannot be achieved in the absence of international crime. In other words, there was previous Mbarhay nature of the crime is considered necessary only if the behavior is particularly, but not a sufficient condition for a phenomenon that criminal law should criminalize the act or omission primarily the action of a. Should also commit one of the various forms of spiritual element) intent, recklessness or serious negligence (to be a time of TAKAB. Finally, the action of these three rules of criminal and illegal is a crime.

A) The physical element appears to be material element of international crimes (such as behavior, effects and circumstances), the criminal use of nuclear weapons is expressed as follows:

1) The behavior of the material element in addition to the action (that is, the use of weapons) are of omission as well. According to the rules of international criminal law, including Article 28 of the Statute of the International Criminal Court, the commander or superior to commit a criminal act does not prevent equally committed charge.

2) The effects of some international crimes, not only have no need to act, but also need also accuse the commission of the prohibited acts in any case lead to specific works. But directly on the criminalization of nuclear weapons, the inseparable connection between the application and the damaging effects caused by the realization of the effects inherent in the use of these weapons and there is no need to consider about the fulfillment of the works. It seems that criminalization should check directly involves the violation of other rules of international law (including human rights) through its works.

3) The specific circumstances: some criminal acts to be considered a crime in international law, must be accompanied by special circumstances. For example, a crime of genocide, which requires the intent to destroy, in whole or in part of a protected group, or committing a crime against humanity.

Need to acting after a widespread or organized. Such special circumstances only on certain types of

international crimes known as "crimes under international law" is raised.

Conclusion

The use of nuclear weapons, weapons of mass destruction as one of the best examples of a series of features and works well, which is comparable to other weapons, including conventional weapons and other weapons of mass destruction is not evidence. Works such as blindness caused by lightning, storms spread of radioactive materials and to initiate hot some of these works are similar to those that cannot be found in the use of other weapons. However, in the context of increased growth and development of technology related to the manufacture of such weapons, destructive power and impact of their use has also increased a lot than before. So today the use of these weapons as having major impacts for human life and human environment it is difficult to imagine. In some of the effects associated with the use of these weapons, is so intense that on such works, these weapons are weapons called resurrection. The International Court of Justice in the advisory opinion which stated in 1996 that the consequences of the use of nuclear weapons in space and time is not.

On the other hand, today international law, to Nvn law governing the international community, in order to increase the status of sociological approaches to international law, international law, in a move of the government to international human rights centered, almost human in the is. In order to support the process of human and humanitarian values as the fundamental norms of the international community accordingly and international public order around the norms and values were formed. But it seems that these values and support the use of nuclear weapons is inconsistent with the breath and use of nuclear weapons would be in the strongest possible way, violates the values and norms. In this regard, it is expected the international community to support human and human values, the use of such weapons is restricted and a backlash against use it to show. The most efficient and the most severe your reaction is a reaction against the criminal use of nuclear weapons of their own data, it is criminalization.

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