

ABSTRAK

Abstract — *This study aims to identify and understand the responsibility of the Azerbaijani army for the violence committed against Armenian prisoners of war. The type of research used is normative juridical research. The approach used in this research is the statutory approach, and the concept approach. The legal materials studied are the Hague Convention IV 1989, Geneva Convention III 1949, and the Rome Statute 1998. The results show that the Azerbaijani army for acts of violence against Armenian prisoners of war has violated the 1949 Geneva Conventions which are included in war crimes according to Article 8 of the 1998 Rome Statute. The acts of violence perpetrated by the Azerbaijani army against Armenian prisoners of war gave rise to command responsibility to the Azerbaijani military commanders as leaders who have responsibility for crimes committed by troops under their authority in accordance with article 28 of the 1998 Rome Statute.*

Keywords: *Prisoners Of War, War Crime, Responsibility*

Abstrak— Penelitian ini bertujuan untuk mengetahui dan memahami pertanggungjawaban tentara Azerbaijan atas kekerasan yang dilakukan kepada tawanan perang Armenia. Jenis penelitian yang digunakan adalah penelitian yuridis normatif. Pendekatan yang digunakan dalam penelitian ini adalah pendekatan perundang-undangan, dan pendekatan konsep. Bahan hukum yang dikaji yaitu Konvensi Den Haag IV 1989, Konvensi Jenewa III 1949, dan Statuta Roma 1998. Hasil penelitian menunjukkan bahwa tentara Azerbaijan atas tindakan kekerasan terhadap tawanan perang Armenia telah melanggar Konvensi Jenewa 1949 yang termasuk dalam kejahatan perang sesuai Pasal 8 Statuta Roma 1998. Tindakan kekerasan yang dilakukan tentara Azerbaijan terhadap tawanan perang Armenia menimbulkan pertanggungjawaban komando kepada komandan militer Azerbaijan sebagai pemimpin yang memiliki tanggung jawab atas kejahatan yang dilakukan oleh pasukan di bawah kewenangannya sesuai pasal 28 Statuta Roma 1998.

Kata kunci: *Tawanan Perang, Kejahatan Perang, Pertanggungjawaban*