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Case Facts Proving in Criminal Proceedings on Financing of Terrorist Groups (Organizations) Operating over Occupied Areas Donetsk and Luhansk Regions

Article presents case facts subjected to proving in the course of criminal proceedings on financing of terrorist groups (organizations) and individuals operating over temporarily occupied areas Donetsk and Luhansk regions. The key task of crime investigation process is defined as establishment of all case facts required for any crucial decision to be made in the course of criminal proceeding. Case facts identified form the evidence base qualified in accordance with characteristics of each crime. Article 91 of Criminal Procedure Code

of Ukraine defines facts subjected to proving in the criminal proceeding of the abovementioned crime category:

1) criminal offence event (data on financing subject and persons involved; data on assets (crime subject); date and ways of asset transaction; acts comprising the criminal culpability – transaction of assets to accounts of self-employed persons within the territory of temporarily occupied areas Donetsk and Luhansk regions (without Ukrainian registration) or direct transfer of valuables to terrorists; total amount and types of assets subjected to transaction; profiles of asset payees within the territory of temporarily occupied areas Donetsk and Luhansk regions);

2) guilt of person accused in terrorism financing, conscience of guilt, awareness of asset transaction purpose (payees – members of terrorist organizations «Donetsk People's Republic» and «Luhansk People's Republic»), motive and aim of the relevant crime committal;

3) type and scope of damage caused, identification of grave consequences (assumed or factual) caused by the financing the «Donetsk People's Republic» and «Luhansk People's Republic» terrorist activity;

4) identification of grave consequences (assumed or factual) caused by the terrorism financing (provision of weapons, armament or components for further use in hostilities or terrorism financing);

5) circumstances discharging of criminal responsibility or punishment (according to Article 258⁵ paragraph 4 of Criminal Code of Ukraine any person (except leaders of terrorist groups/organizations) may be discharged of criminal responsibility for committing the relevant offence if he/she had voluntarily informed the law enforcement of such offence before held liable or prevented the committal of crime financed or facilitated by this person upon condition that his/her actions were not claimed to be identifying the committal of another crime).

Keywords: terrorism financing, terrorist organization «Donetsk People's Republic», terrorist organization «Luhansk People's Republic», assets.