

*Черних Т.,  
здобувач ступеня вищої освіти магістра  
Національної академії внутрішніх справ  
Консультант з мови: Харчук Н.*

**PLACE OF THE CRIME – UKRAINE.  
DOCUMENTATION AND INVESTIGATION OF WAR CRIMES:  
INTERNATIONAL EXPERIENCE**

On February 24, 2022, a large-scale invasion of the Russian Federation into Ukraine began. All nine months of hostilities, the occupiers robbed, raped, tortured and killed thousands of civilians. Residential buildings, cultural monuments, educational institutions, hospitals, power supply systems are being destroyed. All these are war crimes in the sense of Ukrainian legislation and international humanitarian law.

According to the Office of the Prosecutor General, from the beginning of the full-scale invasion of Russia 315n February 24, 2022 and until August 2, law enforcement agencies registered more than 38,714 criminal proceedings regarding crimes related to Russian aggression, of which more than 25,323 were related to war crimes [1].

However, 315 n 315 n very important to properly document the crimes committed by the aggressor. After all, the documented evidence will be used for criminal prosecution of those involved in accordance with Ukrainian and international legislation. And 315 n foreign colleagues already have the relevant practice, then for the Ukrainian law enforcement system war crimes 315n a large scale are a completely new direction of work.

Currently, one of the main issues in the harmonization of Ukrainian and international legislation 315n the ratification of the Rome Statute, a treaty that gives the right to the International Criminal Court, i.e. 315n international tribunal, to consider such crimes as genocide, crimes against humanity, war crimes and crimes of aggression [2].

On October 18, the UN's independent international commission to investigate violations in Ukraine presented a detailed written report to the UN General Assembly. The document records a large number of war crimes, violations of human rights and international humanitarian law committed by Russian troops during the aggression against Ukraine [3]. Among the crimes recorded in the preliminary report of the Commission are:

– **indiscriminate attacks with explosive weapons in populated areas**, that is, precautionary measures to reduce harm to the civilian population were not taken;

– **creating threats to the civilian population**, which means the Russian armed forces deliberately deploying their troops or equipment in residential areas or near civilians;

– **attacks on the civilian population**, when the Russian armed forces shot at civilians who were trying to escape to a safe place and get food or other necessary things, which led to the killing or wounding of people;

– **extrajudicial executions**, which are a violation of the right to life and war crimes;

– **illegal detention, inhumane treatment and forced displacement**, as evidenced by numerous cases of detention of large numbers of civilians in temporary facilities, without informing the victims of the reasons for their detention, without access to food, water and medical care, and illegal detention often was preceded by executions, sexual violence, torture and ill-treatment;

– **torture and ill-treatment**, which is a violation of the prohibition of torture and other cruel, inhuman or degrading treatment or punishment, as well as a war crime;

– **sexual and gender-based violence**, i.e. cases of rape committed by some soldiers of the Russian armed forces in settlements under their control [3].

Four main groups of sources of significant information about war crimes can be identified: personal sources (testimony of witnesses, victims, suspects (prisoners) about the circumstances of the event); material sources (material situation, places of destruction, abandoned equipment, things, weapons, ammunition, explosive objects that did not detonate, fragments of ammunition, corpses with signs of violent death; traces of biological origin in cases of torture, rape; materials and substances (soils, water, etc.), testifying to the facts of the use of prohibited weapons, the facts of contamination of the ecosystem with dangerous substances, etc.); digital sources (materials of photo and video recording of events, data of electronic, computer and telecommunication networks, geolocation data of vehicles equipped with GPS beacons, data from open sources of digital information, etc.); documentary sources (protocols, orders, orders, orders, plans for military operations, supply orders, personal documents of combatants, financial documents, etc.) [4].

The war will certainly end with the victory of the Ukrainian people over the Russian invaders and full compensation for the harm caused. The issues of documenting and investigating international crimes in Ukraine are fundamental and extremely important. How to collect evidence so that it is acceptable not only in national law enforcement and judicial bodies, but also in international institutions, in fact, accepted as evidence by the International Criminal Court [5].

Summing up, it should be noted that currently Ukrainian law enforcement officers have faced a new phenomenon for Ukraine, when in the field of war crimes investigation, virtually new subjects have appeared, and according to experts [1, 2, 5] there are issues that require immediate attention solution, namely:

– recording and transfer of evidence collected by representatives of civil society, journalists, volunteers;

– a detailed explanation of the new section of the Criminal Procedure Code of Ukraine regarding cooperation with the International Criminal Court and the participation of foreigners in investigations.

### ***Список використаних джерел***

1. Розслідування воєнних злочинів: інтерв'ю з керівником «Департаменту війни». URL: <https://ecpl.com.ua/news/21261/>.
2. Чи готова українська правоохоронна система до розслідування воєнних злочинів рф. URL: <https://izbirkom.org.ua/publications/tsentr-publichnykh-rassledovaniy-32/2022/chi-gotova-ukrayinska-pravoohoronna-sistema-do-rozsliduvannya-voyennih-zlochiv-rr/>.
3. Воєнні злочини росії в Україні: Звіт для Генасамблеї ООН, який стане доказом у судах. URL: <https://www.ukrinform.ua/rubric-ato/3596429-voenni-zlocini-rosii-v-ukraini-zvit-dla-genasamblei-onn-akij-stane-dokazom-u-sudah.html>.
4. Дуфенюк О.М. Розслідування воєнних злочинів: логістичні, криміналістичні та судово-медичні питання. *Юридичний науковий електронний журнал*. Вип. № 4/2022. С. 369–374.
5. Документування та розслідування міжнародних злочинів в Україні: масштаб злочинів такий, що його не охопити. URL: <https://helsinki.org.ua/articles/dokumentuvannia-ta-rozsliduvannia-mizhnarodnykh-zlochyniv-v-ukraini-masshtab-zlochyniv-takyu>.

***Черниш М.,***

здобувач ступеня вищої освіти бакалавра  
Національної академії внутрішніх справ  
*Консультант з мови: Волік О.*

## **COMBATING CRIME IN THE SPHERE OF HUMAN TRAFFICKING IN UKRAINE**

Nowadays human trafficking is one of the greatest human right violation. In Ukraine, it is also an urgent problem. It is constantly being studied and analyzed theoretically and practically. In fact, human trafficking is the form of slavery related to kidnapping linked, violence and ruthless exploitation of human beings. However, in analyzing the publications and statements devoted to this problem, it becomes clear that the term «human trafficking» relates to a narrower category, namely, trafficking in women and children with the aim of sexual exploitation or use of forced labor. Therefore, first the interpretation of this term is limited to women and children trafficking with the aim of slavery, prostitution, porn industry. However, any person may be a victim of this crime despite of gender, age, nationality and religion.

According to statistics, rural people and citizens of small towns with limited opportunities for job search are the victims of this crime. These people are easy to be misled, they agree to forced labor or sexual exploitation because of large debt or threat of violence. Also on the territory of Ukraine the victims of such crime predominantly, become people from Moldova, Uzbekistan, Pakistan, Cameroon and Azerbaijan [1].

Furthermore, the term «human trafficking» is often confused with the term «illegal migration», because of usage of a border crossing without