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The Ways of the Terrorism Financing as a Circumstance which is to be Proved in a Criminal Proceeding

In the article the objective aspect of crime, responsibility for which is established by the Article 258–5 (Terrorism Financing) of the Criminal Code of Ukraine, is examined. It is established that the terrorism financing may be performed as assets' provision and collection and operations with financial assets. The analysis of all terrorism financing forms allowed distinguishing the ways of its commission that are the subjects of proof in criminal proceeding.

It is emphasized that there are difficulties in proving the terrorism financing fact which in our opinion is caused by inconsistency of the terrorism financing ways. The provision of assets, as one of the terrorism financing forms, is active subject's action stipulating transfer to person, organized group or illegal armed units for the purpose of funds disposal or usage intended for terrorists financing, terroristic organization, preparing or committing at least one of the crimes listed in Article 258–5 of the Criminal Code of Ukraine. The provision of funds occurs in cases when a person owns it and gives it to somebody realizing that it will be used fully or partly for terroristic activity.

The collection of assets as the form of terrorism financing, stipulates subject's actions aimed at search, receipt, accumulation or saving money intended for financial or material provision of terrorist activity, terrorist group or particular terrorist. The collection of assets may be performed through creation of non-commercial organizations.

Criminal proceeding of operations with financial assets – provision of financial services as one of the terrorism financing ways stipulates banking and insurance services, services at the stock market, services offered by financial organization and related to attraction and placement of legal entities and private persons' funds. The necessity of forming and verifying evidence for maximum efficiency of proving in criminal proceedings on terrorism financing is emphasized.

Keywords: terrorism financing; terrorism; criminal proceeding; proof; the ways of terrorism financing.