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# **CRIMINAL LIABILITY FOR CRIMES AGAINST PEACE, SECURITY OF MANKIND AND INTERNATIONAL LAW AND ORDER UNDER MARTIAL LAW IN UKRAINE**

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Criminal offenses against peace and security of mankind differ from other criminal offenses in that they are inextricably linked to modern international criminal law as part of public international law. Therefore, in qualifying such a criminal offense and clarifying the content of specific articles in this section, it is necessary to refer to relevant international instruments, such as the Statute of the International Military Tribunal (1945) [1], which provides for crimes against peace, and planning, preparation, unleashing or waging an aggressive war, against humanity, ie the treatment of civilians or genocide, and war crimes, the essence of which is to violate the laws and customs of war. Also the Geneva Conventions (1949) [2], which defines the treatment of prisoners of war, on improving the proportion of wounded and sick in active armies, on improving the proportion of wounded, sick and shipwrecked in the armed forces at sea, on protection of civilians during the war, etc.

The practice of states is insignificant and insufficient to speak of a solid legal basis for allegations that responsibilities arising from crimes against national security, peace, security of mankind and international law are indeed being fulfilled. Nevertheless, the application of these norms of international criminal law is an integral part of the protection of human rights and the preservation of peace, and the inclusion of relevant crimes in national law is one of the most important conditions for effective cooperation in combating international crimes.

Russia's open military attack on Ukraine began on February 24, 2022, which led to the imposition of martial law in Ukraine and significant changes in Ukrainian legislation, including a number of Ukrainian laws amending the Criminal Code of Ukraine. The bombing of cities and civilian infrastructure by Russian troops, the suffering and death of civilians, including children, and thousands of refugees in Ukraine have all the hallmarks of war crimes and crimes against humanity. In accordance with the UN Charter of Rome and the violation of the Geneva Convention, the International Criminal Court is currently considering a case of war crimes and crimes against humanity in Ukraine.

Therefore, on March 3, 2022, the Law of Ukraine "On Amendments to the Criminal Code of Ukraine to Strengthen Responsibility for Crimes against the Fundamentals of National Security of Ukraine under Martial Law" was issued. In particular, in Article 86, which defines the terms of amnesty of the Criminal Code [4], after the words "found guilty of committing" added the words "treason, sabotage", ie persons who committed such a criminal offense can not be released from punishment, and persons sentenced in respect of which they have entered into force, cannot be completely exempted from serving the sentence by the law on amnesty.

Article 111 of the Criminal Code of Ukraine [4] entitled Treason was enriched with a part that provides for liability for treason committed under martial law and provides for criminal liability in the form of imprisonment for a term of fifteen years or life imprisonment, with confiscation property. A similar part has been added to Article 113 of the Criminal Code, which provides for criminal liability in the form of fifteen years' imprisonment or life imprisonment with confiscation of property for sabotage in martial law or during an armed conflict.

Article 111 with Note 1 was also added to the Criminal Code of Ukraine [4], which defines the concept of “collaborative activity”, which has various manifestations, including public denial of armed aggression against Ukraine by a citizen of Ukraine, voluntary occupation of an unrelated position by a citizen of Ukraine. with the implementation of organizational and administrative or economic functions, in illegal authorities, the implementation of the citizen of Ukraine propaganda in educational institutions, regardless of type and form of ownership to promote armed aggression against Ukraine and the organization and conduct of political events, information activities in cooperation with the aggressor state and / or its occupation administration. This is not an exhaustive list, as the article contains eight parts with a detailed explanation of collaboration activities, especially in wartime. The maximum criminal liability for collaborating under the new amendments is imprisonment for a term of fifteen years or life imprisonment, with deprivation of the right to hold certain positions or engage in certain activities for a term of ten to fifteen years and with or without confiscation of property.

Despite the diversity of concepts related to international offenses, crimes against the peace and security of mankind are at the highest level among crimes punishable by international criminal responsibility. They are considered to be the most serious international crimes, as they infringe on fundamental human rights, the prohibition of violation of which constitutes a jus cogens rule in international law, and the obligation of states to protect them is an erga omnes obligation. Deutsche Welle [5] clarified the content of the Rome Statute of the International Criminal Court, stating that crimes against humanity are "the most hated crimes because they have a devastating effect on human dignity, degrade and degrade the individual."

Thus, today the main task and duty of the state is to ensure the inevitability of punishment for crimes against peace and security of mankind (including the military), both in international bodies and in Ukraine.

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