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JUSTICE FOR VICTIMS IN TIMES OF WAR

International and national criminal law is a fundamental tool to protect human rights. New hybrid war challenges need to understand how global and regional imbalances and conflicts affected the Rule of Law. To understand how stable Criminal legal form and social care activity must be in a dissonance with developing public and social relations and processes, one should defy social control schemes from the field of international society, state, perpetrator, victim, and civil society attitudes through crime and abuse of power tendencies [1].

It is the fact that the diversification of criminal law enforcement understanding at the auspices of civil society cognitive mood, unifying sustainable or global development, has a chance to be resulted in a situation when state or individual (social group, state) assumes the right to abuse opponents, forming armed groups, with a tolerance of local restrictions on the freedom of movement that, as a basis for the right to revolt during the rebellion or aggressive war, undermining the idea of the legitimacy of power and wide spreading corruptive practices in the transitive development period.

Global and regional, political, social, and cultural imbalances and conflicts, communication stuffing affecting the rule of law, disorganize it and create a situation where essentially stable Criminal legal form and victimological redress should be in a dissonance with developing public and social relations and processes.

The notion (acceptance and understanding) of criminal law and victims' treatment differs at the levels of citizens, media, social groups and networks and

law enforcement officials. Moreover, it differs between victims and perpetrators, civil society and the state, media, and social networks at post-truth society.

The idea to share is whether we must develop on abovementioned background a theoretical model of war, crime, and international criminal justice from victimological perspectives.

The concept is quite simple: criminal justice shows the transition from absolute forms of public-law relationships to postmodern approach of nowadays with holistic system that essentially based on human rights primacy concept and basic human values landscape protection ideology in local and international level.

War consequences and Crime tendencies are the last Horsemen of Apocalypse that should be analyzed in connection.

«Justice» and «criminal law» were identified with the understanding of truth and justice. Now this extends to post truth concept of misuse of law erosive interpretation. Moreover, it gives theoretical background to interstates and mass misuses and abuses of power reflecting aggression, hybrid attacks, corruptive practices and political interests, peoples' attitudes, communicative and religion values at national and international levels of interaction.

In this regard, modern criminal policy is a tool to enforce criminal justice policy shift from obsolete forms of social relationships to the new legal framework of transnational public law.

It is more dynamic and flexible; it is in constantly change and contributes to breaking the legal forms and outdated stereotypes at the same time.

Unity and sovereignty mode is changed to the legality of international criminal law virtual relationships, where the production of certain types of criminal offenses is given to international society's universal jurisdiction scheme.

However, the last creates the discussed possibility of governmental transnational authorities and other supra-national actors influence on local legislative level by protection of their own interests (like proposed 'ad hoc tribunal' for Putin`s aggression in comparison with usage of paragraph 2 of article 7 of European convention on protection of human rights, 1950).

Moreover, criminal responsibility and victims' compensation schemes on domestic and international level constitute mutual rights and obligations between state (legality and justice), offender (punishment), victims (fair treatment) and third persons (cognitive control) on crime commission.

Mutual rights mean that one should construct criminal norms to effectively modify forbidden human behavior only respecting all actors' needs.

Therefore, international crime victim status and rights should be analyzed, interpreted, and constructed from the point of view of international societies, governments, collective actors, local experts, law obedient citizens, law enforcement professionals and judiciary and perpetrators. It seems that we have not to make a choice between the law in force, the law in media, the law in minds, and the law in communications, but to find out a common portrait of international crime victim model through modern conditions of aggressive war in UA and describe and implement new rules regarding the usage of universal principle of justice for collective victims and societies too.

We argue that complex holistic approach based on mutual recognition of all parties' rights and obligations should give positive effort in combatting international and transnational crime and new law constructing as the result of new security paradigms based on internationalization of domestic laws. The shift for criminalizing non obeying with sanctions on the EU level is a strict argument for the abovenamed thesis.

This theoretical approach needs to carry out:

1. Formulating Human rights oriented theoretical approach of victimology means (concepts of legality, crime, and punishment regarding state of the victim on domestic, supranational, and international level).
2. Structural analysis of international, state, social, communicative, and cognitive approach to victims of aggression and international crimes common indicators through war and crime interrelationships background.

3. Formulating the Academic Tools Matrix as an instrument for collective and individual victims` treatment (dignity, sanctions, reparations, restitution, and compensation, right to self-destruction and self-defense).

That practice should be reflected as regard in the notion crime of genocide`s corpus delicti [2] with special construction of individual and collective victim`s notion in General part of Draft Criminal code of Ukraine addressing common ECHR judgement in the field [3].

Equality, legal certainty, proportionality, predictability, subsidiarity, legality as principles of criminal law and social and legal foundations of criminal policy should be considered exclusively in the vector of the primacy of human rights and security of the victim of a criminal offense, complementarity of coercion and decent treatment, compensation, restitution and rehabilitation, satisfaction, and guarantees of non-repetition of harm to victims of criminal offenses, taking into account public interests and requirements of courteous prevention of offenses Thus, the final aim in Justice for Victims concept is to prepare a new theoretical background to Ukrainian criminal Law doctrine development as from its path to EU standards and ROL approximation, as from changes that war and crime «contributed» to civil society and state security narratives of nowadays.

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