

країнами та міжнародними організаціями сприятиме обміну інформацією, досвідом та експертними знаннями у сфері правопорядку та розслідування злочинів.

Тож, перспективи взаємодії між різними гілками влади у розслідуванні та протидії кримінальних правопорушень в умовах воєнного стану полягають у впровадженні нових підходів, технологій та міжнародного співробітництва для забезпечення ефективності та справедливості у правосудді.

Підсумовуючи, важливо зазначити, що взаємодія між гілками влади вимагає комплексного підходу та системної роботи всіх відповідних органів. Застосування сучасних технологій, створення спеціалізованих структур координації, зміцнення міжнародного співробітництва та активна участь громадськості є ключовими перспективами для успішного вирішення цієї проблеми. Взаємодія між різними гілками влади має бути побудована на принципах взаєморозуміння, відкритості та спільної мети забезпечення правопорядку та захисту прав громадян навіть у найскладніших умовах воєнного конфлікту.

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PLUNDER: CASE STUDY OF DECISIONS IN POLAND AND UKRAINE

The topic of plunder remains relevant due to the prevalence of conflicts, economic inequality and the lack of effective control mechanisms in the world.

V. M. Tertyshnik aptly mentions that property is the basis of freedom of a person and a citizen in a civil society. The owner has the rights of possession, use and disposal of his property [1, p. 122].

The Republic of Poland shall protect ownership and the right of succession according to Art. 21 the Constitution of the Republic of Poland. Everyone shall have the right to ownership [...]. Everyone, on an equal basis, shall receive legal protection regarding ownership [...] according to Art. 64 [2].

The Constitution of Ukraine provides the inviolability of the right to property, along with the prohibition of unlawful deprivation of the right to property is enshrined in Art. 41 [3].

According to Art. 1 of the First Protocol to the Convention on the Protection of Human Rights and Fundamental Freedoms, every natural or legal person has the right to the peaceful possession of his property. No one can be deprived of his property except in the interests of the society and under the conditions provided for by the law and general principles of the international law [4]. However, the war limits such rights, impoverishes people and nations, and causes an irreparable damage [5].

It is important to assess how effectively courts ensure justice and protect the rights of citizens in looting cases in countries. We have explored the essence of looting in previous scientific articles [6].

Anyone who appropriates someone else's movable property or property right shall be a subject to imprisonment for a term of up to 3 years according § 1 Art. 284 Penal Code of Poland [7].

Looting is a military offense, the essence of which is the theft of the things of the killed or wounded on the battlefield within the framework of Ukrainian criminal legislation (Art. 432 of the Criminal Code of Ukraine) [8]. Thus, Ukraine is a party to the First, Second and Fourth Geneva Conventions, the destruction and appropriation of property can be criminalized by the military of the opposite party in accordance with Art. 438 of the Criminal Code of Ukraine.

There were cases of pillage the period from 28th October, 1939, to 17th January, 1945, on the territory of Poland occupied by the German Reich.

Dr. Joseph Buhler was entrusted with the highest functions of German Civil Administration in occupied Poland. He was convicted of «looting of Polish art treasures», «seizure of public property, and in economic exploitation of the country's resources» and «systematically depriving Polish citizens of private property» [9, p. 23]. The Tribunal therefore held that this administration was illegal, and also criminal in view of its aims and actual activities which, the Tribunal found, were, inter alia, the following: [...] (e) pillage and exportation to Germany of Polish property in general and that of Polish scientific and cultural institutions in particular [9, p. 44]. Decrees were issued confiscating mining rights and mining shares, installations and equipment of the mineral oil industry, raw

materials, iron ores, crude oil, nitrogen, phosphates and coal. Ultimately, this amounted to pillage.

P. Koerner was Goering's deputy, and had various roles as a civil servant and in various mining companies. He was convicted of the plundering food, ore and petroleum in Poland through the issuance of directives to that effect [10, p. 731].

P. Pleiger was convicted for plundering coal from mines. «We find further spoliation activities in Poland by Pleiger in behalf of the Flermann Goering Works in connection with the coal mines in Upper Silesia. It appears from the evidence that the spoliation agency FITO, to which reference has already been made, on 23 July 1940, gave to the Hermann Goering Works a so-called «trusteeship» of all peat coal mines in Upper Silesia. Subsequently, certain of these coal enterprises were transferred by the Reich government to a subsidiary of the Flermann Goering Works. [...] there was taken from such coal mines in 1940, 62,000 tons; 1941, 62,400 tons; 1942, 69,300 tons; 1943, 74,800 tons; and in 1944, 77,900 tons, and that of these amounts two-thirds went to Germany» [10, p. 741].

F. Flick acted as a trustee of the Dnjepr Stahl property in case *The Flick Trial: Trial of Friedrich Flick and Five Others*. He was found not guilty, because the Tribunal, which tried Flick, noted that «State property like Dnjepr Stahl may be seized and operated for the benefit of the belligerent occupation for the duration of the occupancy. The enemy occupant has an usufructuary privilege» [11, p. 41]. This is explained by the fact that the occupying State shall be regarded only as administrator and usufructuary of public buildings, real estate, forests, and agricultural estates belonging to the hostile State, and situated in the occupied territory. It must safeguard the capital of these properties, and administer them in accordance with the rules of usufruct according Art. 55 Hague Regulations.

There are already verdicts regarding looting by the occupiers after the full-scale invasion of Russia into Ukraine. For example, military personnel of the Russian Federation illegally seized money in the amount of 60 thousand US dollars, as well as gold jewelry with a total value of 200,000 UAH while in the premises of the house during the inspection of personal belongings of the victims. On the basis of the above, the Court found PERSON_6 and PERSON_7 guilty of the criminal offense provided for in part 1 of Art. 438 of the Criminal Code of Ukraine [12].

Considering that the disposition of Art. 438 of the Criminal Code of Ukraine has an international-blanket character, a feature of the motivational part of the verdicts passed on the accusation of persons in the commission of a criminal offense, provided for in Art. 438 of the Criminal Code of Ukraine, is the establishment by the courts of exactly which international norms of the law of war were violated.

For example, PERSON_5, being a serviceman of the armed forces of the Russian Federation, with prior collusion with PERSON_6, committed intentional murder, i.e. intentionally causing the death of civilians PERSON_15 and PERSON_16, who were under protection, as well as robbery of a civilian, there by violating the requirements Art. 27, 31, 32, 33 of the Geneva Convention on the Protection of the Civilian Population in Time of War from 12.08.1949 and part 1, 2 Art. 75 of the Additional Protocol to the specified Convention dated August 12, 1949, concerning the protection of victims of international armed conflicts (Protocol I), dated June 8, 1977. Therefore, PERSON_5 committed the actions provided in Part 2 of Art. 28, Part 2 of Art. 438 of the Criminal Code of Ukraine, as another violation of the laws and customs of war provided by international treaties, the binding consent of which was given by the Verkhovna Rada of Ukraine, combined with intentional murder, committed by a group of persons with a prior conspiracy [13].

To sum up, looting is a serious threat to countries, disrupting their economic stability, citizens' safety, law and order, and requires immediate measures to prevent and stop this phenomenon. According to the court decisions analyzed by us, objects of looting include cultural values, a state and private property of individuals, and natural resources.

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