

Biology, Forensic Entomology and Forensic Entomotoxicology. *Criminal Behavior-The Underlyings, and Contemporary Applications*. IntechOpen, 2023. URL: <https://www.intechopen.com/chapters/>

4. Харченко І. Г. Ентомологія як нетрадиційний криміналістичний метод боротьби з правопорушеннями. 2014. URL: <http://law-dep.pu.if.ua/conference2014/articles/kharchenko.pdf>

5. Chopfi R, Sharma S, Sharma S, Singh R. Forensic entomotoxicology: Current concepts, trends and challenges. *J Forensic Leg Med*. 2019 Oct;67:28-36. doi: 10.1016/j.jflm.2019.07.010. Epub 2019 Aug 3. PMID: 31398663 URL: <https://www.frontiersin.org/journals/insect-science/articles/full>

Климович В.,

здобувач ступеня вищої освіти бакалавра

Донецького державного

університету внутрішніх справ

Консультант з мови: Снісаренко І.

FEATURES OF THE INVESTIGATION OF WAR CRIMES BY UNITS OF THE NATIONAL POLICE OF UKRAINE

The Russian Federation's full-scale armed aggression against Ukraine has brought to light a significant problem in the work of the criminal police, namely their lack of experience in investigating international crimes (war crimes, genocide, etc.). This problem was catalyzed by the significant number of crimes which poses a challenge for their documentation and classification. The main component of this problem is the insufficient level of training of investigators, prosecutors and other law enforcement officials in the field of international humanitarian law, which manifests itself in difficulties in identifying the constituent elements of crimes, analyzing the nature of international armed conflict and ensuring procedural procedures for the accused. The start of the Russian Federation's large-scale armed invasion of Ukraine and the subsequent introduction of martial law had a significant impact on the functioning of all units of the National Police and other state structures.

Under martial law, which has been in effect in Ukraine since early 2022, National Police units operate as part of Ukraine's security and defense forces, contribute to territorial defense by ensuring public safety in their areas of operation, and assist in the functioning of state and local government bodies, including military administrations.

War crimes are defined as serious violations of humanitarian law, in particular Article 8 of the Rome Statute of the International Criminal Court (effective date for Ukraine: 01.01.2025), which sets out a number of provisions defining «war crimes» [1]. In general, it can be noted that war crimes are serious violations of the 1949 Geneva Conventions and other serious violations of the laws and customs of war, as defined in Article 8 of the Rome Statute. Typical war crimes include the use of illegal methods of warfare, shelling, murder, rape of civilians, looting, etc. [2].

Responsibility for committing war crimes is provided for in Article 438 of the Criminal Code of Ukraine and has six specific forms of implementation: a) cruel treatment of prisoners of war; b) cruel treatment of the civilian population; c) deportation of the civilian population for forced labor; d) looting of national treasures in occupied territory; e) use of means of warfare prohibited by international law; f) the same acts if combined with intentional killing [3, p. 18].

For the correct classification and attribution of a specific act to the category of war crimes, there is a contextual element. For war crimes, this is the existence of an armed conflict (international or non-international in nature); the commission of an act in the context of and in connection with an armed conflict; the perpetrator's awareness of the existence of an armed conflict [ibid., p. 17].

It should be noted that there are a number of interdisciplinary provisions governing the provision of assistance by operational units in the investigation of military criminal offences. Namely: - in order to carry out operational and investigative activities, operational units are granted the right to have official and unofficial full-time and part-time employees and to use confidential cooperation (clauses 13-15 of Article 8 of the Law of Ukraine «On Operational and Investigative Activities») [4]; -confidential cooperation is a covert relationship established by authorized bodies with an adult legally

competent person (a citizen of Ukraine, a foreigner or a stateless person), which is used on a voluntary and confidential basis to perform tasks in criminal proceedings (Article 275 of the Criminal Procedure Code of Ukraine) [5]; -assistance of an individual with the conclusion of a written agreement guaranteeing the confidentiality of cooperation and assistance in the conduct of operational-investigative activities by state authorities, enterprises, institutions, and organizations regardless of their form of ownership (Article 11 of the Law of Ukraine «On Operational-Investigative Activities») [4].

An important aspect of ensuring effective investigation of war crimes is legal regulation and regulatory support for investigations, as there have been significant changes in criminal procedure law since the start of the full-scale invasion. It has been significantly improved by regulating a number of norms related to the conduct of criminal proceedings under martial law, the time limits for pre-trial investigations of war crimes, the possibility of creating interagency investigative teams, and the addition of Section 9-2, 'Features of Cooperation with the International Criminal Court,' to the Criminal Procedure Code of Ukraine [6, p. 687]. As R. Stepanuk correctly notes, changes and additions were also made to Articles 71, 99, 104, and 245-1 of the Criminal Procedure Code of Ukraine, which mainly concern the improvement of the form of use of special knowledge and the legal status of computer data and other evidence in criminal proceedings [7, p. 370]. According to Article 216 of the Criminal Procedure Code of Ukraine, the investigation of war crimes falls under the jurisdiction of the Security Service of Ukraine, and a specialized Department for Procedural Guidance in these crimes has been created in the Office of the Prosecutor General. Given the large number of war crimes and the lack of resources, almost all pre-trial investigation bodies are involved in investigating war crimes [2]. The regulatory and legal framework for the activities of police bodies is also defined by Order of the Ministry of Internal Affairs of Ukraine «On approval of the Instructions on the procedure for interaction between territorial police bodies and interregional territorial bodies of the National Police of Ukraine when responding to emergencies, in the event of the introduction of a legal regime of

martial law or a state of emergency» dated 31 October 2016 No. 1129.

In today's reality, investigating war crimes is impossible without the involvement of cyber police, analysts and digital information, including from open sources. Since the start of the armed conflict, OSINT (open source intelligence) and the capabilities of the criminal analysis units of the National Police of Ukraine have been widely used in criminal investigations [6, p. 687]. During criminal analysis, criminal analysts systematically search for, identify, record, extract, systematize, analyze and evaluate criminal information, as well as present (visualize), transmit and use it. Various analytical approaches are used for this purpose, namely: 1. Operational analysis, which includes analysis of telephone call data, research on criminal groups, analysis of criminal cases, comparative analysis. 2. Tactical analysis, which covers criminal analysis, the study of criminal trends, analysis of the geospatial location of crime, time analysis, MO analysis, the development of criminal models and profiles of suspects/victims. 3. Strategic analysis, which includes SWOT analysis, PEST analysis, analysis of crime patterns/forms and profiling, study of crime trends, and analysis using geographic profiling [8, p. 190].

The Berkeley Protocol plays a fundamental role in standardizing open source intelligence work. It provides a legal and ethical framework for online investigations, offering detailed guidance on the proper handling of digital information at all stages, from collection to analysis and storage [9].

To date, a set of algorithms and methodological recommendations has been developed to optimize evidence gathering in relation to war crimes. These include standardized procedures for recording the situation at the scene of the incident, the preparation and storage of criminal proceedings materials, as well as special methods for conducting investigative (search) activities with different categories of participants in the process in conditions of armed conflict, specialized questionnaires and psychologically verified algorithms for working with victims and witnesses, the purpose of which is to prevent re-traumatization and obtain complete and reliable evidence suitable for further evidence gathering.

In conclusion, it can be noted that the specific nature of war crimes requires a comprehensive scientific approach to improving all aspects of investigation, from substantive legal to organizational. The main conditions for improving its effectiveness are the establishment of coordinated interaction and a unified information space between law enforcement agencies, the implementation of programs for the exchange of experience and the involvement of international assistance, as well as the development of new forensic methods based on the systematization and analysis of accumulated practice in the investigation of war crimes.

References:

1. Римський Статут Міжнародного Кримінального Суду 1998 року. URL: <https://zakon.rada.gov.ua/laws/588#Text>
2. Що робити, якщо ви стали свідком воєнного злочину? Сайт «Право в умовах війни». URL: <https://law-in-war.org/shho-robyty-yakshho-vy-staly-svidkom-zlochynu/>
3. Стандарти розслідування воєнних злочинів. Загальна частина: Методичні рекомендації. Київ, 2023. С. 17-18. URL: <https://justgroup.com.ua/wp-content/uploads/2023/05/agalna-chastyna.pdf>
4. Закон України «Про оперативно-розшукову діяльність» від 18.02.1992 № 2135-XII. URL: <https://zakon.rada.gov.ua/laws/show/2135-12#Text>
5. Кримінальний процесуальний кодекс України від 13.04.2012 № 4651-VI. URL: <https://zakon.rada.gov.ua/laws/show/4651-17#Text>
6. Тетерятник Г.К., Бех О.В., Одажиу Ю.М. Розслідування воєнних злочинів: окремі теоретико-прикладні питання. *Літературно-науковий електронний журнал*. №6. 2023. С. 687. DOI <https://doi.org/10.32782/2524-0374/2023-6/161>
7. Степанюк Р.Л. Деякі питання техніко-криміналістичного забезпечення розслідування воєнних злочинів. *Сучасні тенденції розвитку криміналістика та кримінального процесу в умовах воєнного стану*. Харків, 2022. С. 368-371. URL: <https://files.znu.edu.ua/files/0052090.pdf>
8. Свистун В.В., Дідковський О.Є., Кисельов А.О. Особливості здійснення кримінального аналізу під час

виявлення воєнних злочинів та контрабандної діяльності. *UNIVERSUM*. № 09. 2024. С. 189-194. URL: <https://archive.liga.science/index.php/universum/article/1114>

9. Протокол Берклі з ведення розслідувань з використанням відкритих цифрових даних. URL: <https://www.law.berkeley.edu/wp-Ukrainian.pdf>

Ковальова К.,

здобувач ступеня вищої освіти бакалавра

Донецького державного

університету внутрішніх справ

Консультант з мови: Березенко Н.

FUNCTIONING AND LEGAL SUPPORT FOR THE INTERACTION BETWEEN THE POLICE AND MILITARY- ADMINISTRATIVE STRUCTURES IN WARTIME

In the current conditions of the armed aggression of the Russian Federation, the interaction between the National Police of Ukraine and military administrations acquires particular importance, as public safety, law and order, and the protection of citizens' rights depend on it. The introduction of martial law has resulted in changes to the governance system, expanded powers of state authorities, and an increased need for rapid coordination of their actions. Therefore, studying the administrative and legal mechanisms of such cooperation is extremely relevant. The purpose of this work is to analyze the cooperation between the police and military administrations, determine their competences, forms of interaction, and the practical problems that arise, as well as identify possible solutions.

The legal foundations of interaction between the National Police and military administrations are defined by legislation and subordinate acts regulating the activities of state authorities under crisis conditions. Military administrations are established to ensure defense, maintain order, and organize the functioning of regions where restrictions on rights and freedoms are in force. Their tasks are directly connected with the functions of the police, which guarantee public safety. Cooperation includes the protection of critical infrastructure, enforcement of curfew