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### **International criminal liability for the aggression of the Russian Federation against Ukraine**

*This article is devoted to the aggressive actions against Ukraine from 2014, encroaching on its sovereignty, constitutional order and violation of norms of international law and non-compliance with the obligations taken by the Russian Federation.*

**The urgency of the topic** is that the question of responsibility in international law is directly related to the functioning of the law itself, the maintaining of international peace and security in the world. It can be stated that international criminal responsibility can be seen as a means of promoting respect for international law, as an instrument of international legal regulation, and as a stimulator for the functioning of international law.

It is inextricably linked with the fight against international crimes, while being one of the most acute problems of our time, which is directly proportional to our state through the open war in the East of Ukraine and the aggressive policy that was unleashed by the Russian Federation and for the systematic violation of the common recognized principles, norms of international law and international treaties that allowed to maintain peace and order in Europe.

It should be noted that the Institute of international criminal responsibility has received insufficient attention from domestic researchers. Example can be taken from the article of P.P. Andrushko, candidate of law, professor "Sources of criminal law of Ukraine: concept, types." Also the work of D. I. Kuleba, Ukrainian diplomat, "International criminal court" [2]. Some information can be found in textbooks on public international law edited by V. G. Butkevich, M. V. Buromensky and I. I. Lukashenka.

The international legal responsibility of the aggressor state for breaching of peace and security is complemented by measures of liability of individuals for breaching of the rules of peace, "the laws and customs of war". The main feature of international criminal responsibility is its implementation at the supranational level, and therefore, one of the subjects of international criminal law relations is not the state, but the international community in the face of any body. Today, there are only a few bodies in this area, but none is universal. The international criminal court remains the most influential. The ICC Charter was signed by 139 countries, including Ukraine and the Russian Federation, but only 118 have ratified [8]. There are many international treaties that serve as sources and regulators in this area, and of course, can attract Russia for the events in the East of Ukraine. In the case, violations of Rome Statute, article 5, d) [6], Geneva conventions of 1949 etc. The main problem is not only that it has not been ratified of the Rome Charter by Ukraine and the Russian Federation, but also the strict disregard on the part of the Russian authorities of the signed norms and obligations. At the same time, the issues

of international criminal responsibility, in particular its inevitability, remain unresolved. There is also a problem with the transfer and extradition of persons for international criminal responsibility.

David Vipman notes in this regard that, despite the fact that in the first three years of the Rome Statute of the ICC, the document was ratified by more than 60 States, a number of major players in international politics openly shy away from signing it. First of all, we are talking about the United States, which was among the seven States that voted against the Charter. According To D. Vipman, the United States is making serious efforts to limit the powers of the International criminal court. [11].

Owing not to ratification by Russia of the Rome Statute in accordance with site of ICC "...other States do not want to be held accountable for the actions of their people because they know that they will be found guilty" [8]. For instance, one of the many violated of international conventions "on against the recruitment, use, financing and training of mercenaries" from 1993 on the territory of Ukraine, Syria, Central African Republic, could attract international criminal responsibility of dozens of potential criminals, in the presence of the many facts from the outset would have suppressed imperialistic ambitions of Russian foreign policy and totally destroy prestige of the government of the Russian Federation.

The authorities of Australia and the Netherlands officially accused Russia of the crash of MH17 flight in the sky over the Donbass in July 2014. This was stated by the Minister of foreign Affairs of the Netherlands Steph Block, according to the website of the government on the basis of evidences provided by the international group of investigators Bellingcat.

"We call on Russia to take responsibility and fully cooperate with the process of truth and justice for the victims of the MH17 flight and their close relatives," the Minister said.

The authorities of both countries said that will bring Russia to legal responsibility for the death of 298 people on Board the aircraft. The EU, NATO, the USA and other Western countries also joined the appeals [4].

Today, the institution of international criminal responsibility of States and other subjects of international law for an offence exists and is becoming increasingly important. Despite the fact that the institution of international criminal responsibility has a significant historical background and basis that was developed after World war 2, as well as the Yugoslav wars, today is on the stage of the codification and consolidation of legal norms. However, so far there is no international legal act of a universal character that would regulate the issues of international criminal responsibility on the scale of all modern international law and instant cooperation of States against international criminals. The term "international crime" itself is the main element of international criminal law, which is rapidly developing in the current context of the globalization of crime. Certainly, the problems of such socially dangerous acts need further understanding and research. They still have a lot of controversial and uncertain issues by this time. The conflict between national and international justice and the problem of recognition and non-recognition of international courts remain unresolved. The system of classification of international crimes and crimes of an international character, the number of which is constantly

emerging, also needs to be improved. It is necessary to clearly define the scope of such socially dangerous acts, strengthen and concretize the fight against these crimes on the international legal basis for the prosperity of international society.

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